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PUBLIC LAWS

OF THE

STATE OF ILLINOIS,

PASSED BY THE

TWENTY-SEVENTH GENERAL ASSEMBLY,

AT THE REGULAR, SPECIAL, AND THE
ADJOURNED SESSIONS,

CONVENED

January 4, May 24, October 13, November 15, 1871.

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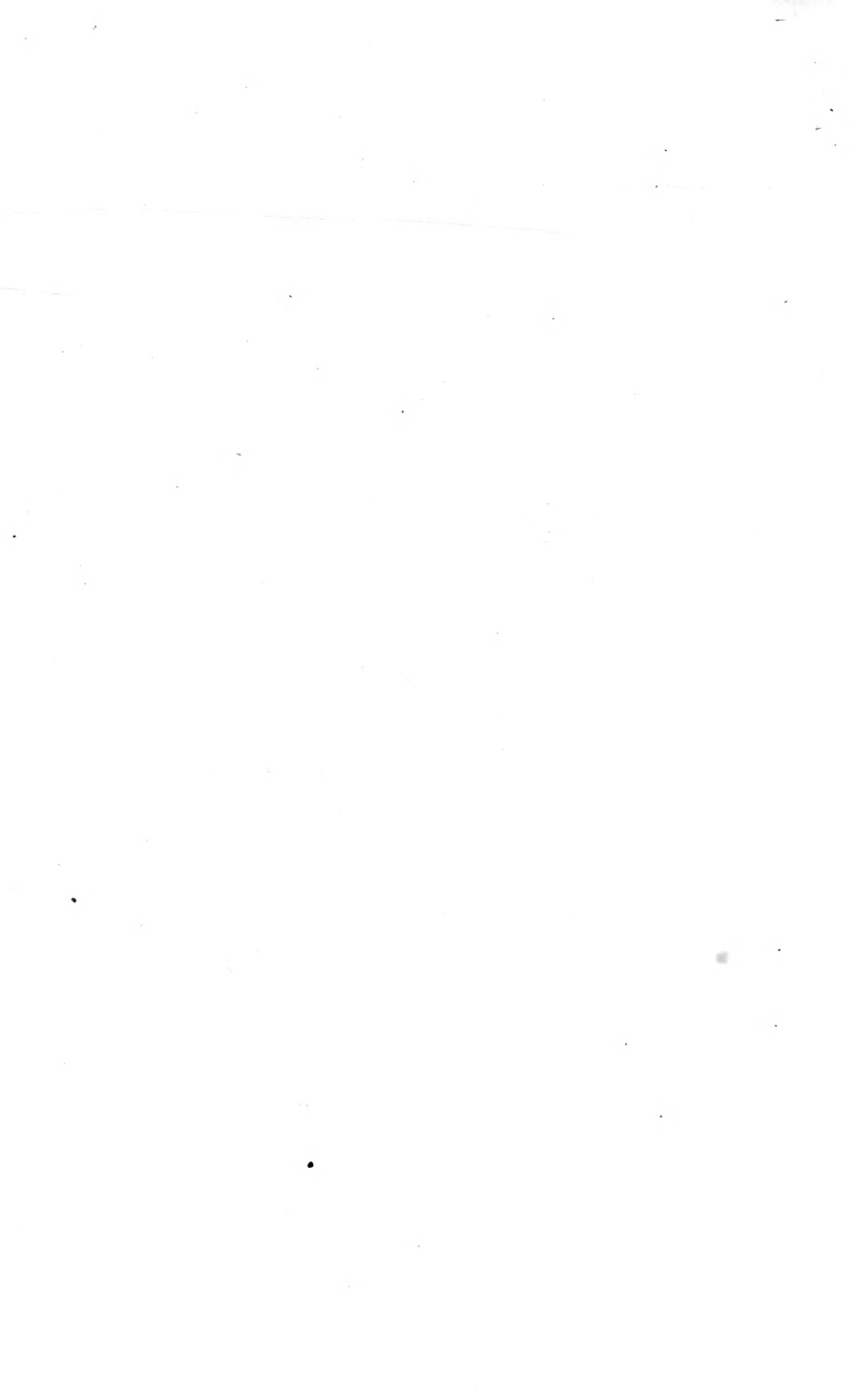
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THE PUBLIC LAWS

OF THE

STATE OF ILLINOIS.

ASSESSMENTS.

AN ACT for the assessment of property and for the levy and collection of taxes. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the property named in this section shall be assessed and taxed, except so much thereof as may be, in this act, exempted: Property to be assessed and taxed.

First—All real and personal property in this state.

Second—All moneys, credits, bonds or stocks and other investments, the shares of stock of incorporated companies and associations, and all other personal property, including property *in transitu* to or from this state, used, held, owned or controlled by persons residing in this state.

Third—The shares of capital stock of banks and banking companies doing business in this state.

Fourth—The capital stock of companies and associations incorporated under the laws of this state.

PROPERTY EXEMPT FROM TAXATION.

§ 2. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say— Property exempt from taxation.

First—All lands donated by the United States for school purposes, not sold or leased. All public school houses. All property of institutions of learning, including the real estate on which the institutions are located, not leased by such institutions or otherwise used with a view to profit.

Second—All church property actually and exclusively used for public worship, when the land (to be of reasonable

size for the location of the church building) is owned by the congregation.

Third—All lands used exclusively as grave yards or grounds for burying the dead.

Fourth—All unentered government lands; all public buildings or structures of whatsoever kind, and the contents thereof, and the land on which the same are located, belonging to the United States.

Fifth—All property of every kind belonging to the state of Illinois.

Sixth—All property belonging to any county, town, village or city, used exclusively for the maintenance of the poor. All swamp or overflowed lands belonging to any county, so long as the same remain unsold by such county. All public buildings belonging to any county, township, city or incorporated town, with the ground on which such buildings are erected, not exceeding in any case ten acres.

Seventh—All property of institutions of purely public charity, when actually and exclusively used for such charitable purposes, not leased or otherwise used with a view to profit; and all free public libraries.

Eighth—All fire engines and other implements used for the extinguishment of fires, with the building used exclusively for the safe keeping thereof, and the lot of reasonable size on which the building is located, when belonging to any city, village or town.

Ninth—All market houses, public squares or other public grounds used exclusively for public purposes. All works, machinery and fixtures belonging exclusively to any town, village or city, and used exclusively for conveying water to such town, village or city.

Tenth—All property which may be used exclusively by societies for agricultural, horticultural, mechanical and philosophical purposes, and not for pecuniary profit.

RULES FOR VALUING PERSONAL PROPERTY.

Rules for valuing personal property.

§ 3. Personal property shall be valued as follows :

First—All personal property, except as herein otherwise directed, shall be valued at its fair cash value.

Second—Every credit, for a sum certain, payable either in money or labor, shall be valued at a fair cash value for the sum so payable; if for any article of property, or for labor, or services of any kind, it shall be valued at the current price of such property, labor or service.

Third—Annuities and royalties shall be valued at their then present total value.

Fourth—The capital stock of all companies and associations now or hereafter created under the laws of this state, shall be so valued by the state board of equalization, as to ascertain and determine, respectively, the fair cash value of

such capital stock, including the franchise, over and above the assessed value of the tangible property of such company or association. Said board shall adopt such rules and principles for ascertaining the fair cash value of such capital stock as to it may seem equitable and just; and such rules and principles, when so adopted, if not inconsistent with this act, shall be as binding and of the same effect as if contained in this act, subject, however, to such change, alteration or amendment as may be found, from time to time, to be necessary, by said board: *Provided*, that in all cases where the tangible property or capital stock of any company or association is assessed under this act, the shares of capital stock of any such company or association shall not be assessed or taxed in this state. This clause shall not apply to the capital stock or shares of capital stock of banks organized under the general banking laws of this state.

RULES FOR VALUING REAL ESTATE.

§ 4. Real property shall be valued as follows:

Rules for valuing real estate.

First—Each tract or lot of real property shall be valued at its fair cash value, estimated at the price it would bring at a fair, voluntary sale.

Second—Taxable leasehold estates shall be valued at such a price as they would bring at a fair, voluntary sale for cash.

Third—When a building or structure is located on the right of way of any canal, railroad or other company leased or granted for a term of years to another, the same shall be valued at such a price as such building or structure and lease or grant would sell at a fair, voluntary sale for cash.

Fourth—In valuing any real property on which there is a coal or other mine, or stone or other quarry, the same shall be valued at such a price as such property, including the mine or quarry, would sell at a fair, voluntary sale for cash.

PERSONAL PROPERTY—WHEN LISTED.

§ 5. Personal property shall be listed between the first day of May and the first day of July of each year, when required by the assessor, with reference to the quantity held or owned on the first day of May, in the year for which the property is required to be listed. Personal property purchased or acquired on the first day of May shall be listed by or for the person purchasing or acquiring it.

Personal property, when listed.

WHO SHALL LIST AND WHAT LISTED.

§ 6. Personal property shall be listed in the manner following:

Who shall list and what listed.

First—Every person of full age and sound mind, being a resident of this state, shall list all his moneys, credits, bonds

or stocks, shares of stock of joint stock or other companies (when the capital stock of such company is not assessed in this state,) moneys loaned or invested, annuities, franchises, royalties, and other personal property.

Second—He shall also list all moneys and other personal property invested, loaned or otherwise controlled by him as the agent or attorney, or on account of any other person or persons, company or corporation whatsoever, and all moneys deposited, subject to his order, check or draft, and credits due from or owing by any person or persons, body corporate or politic.

Third—The property of a minor child shall be listed by his guardian; if he have no guardian, then by the father, if living; if not, by the mother, if living; and if neither father or mother be living, by the person having such property in charge.

Fourth—The property of an idiot or lunatic, by his conservator; or if he has no conservator, by the person having charge of such property.

Fifth—The property of a wife, by her husband, if of sound mind; if not, by herself.

Sixth—The property of a person for whose benefit it is held in trust, by the trustee; of the estate of a deceased person, by the executor or administrator.

Seventh—The property of corporations whose assets are in the hands of receivers, by such receivers.

Eighth—The property of a body politic or corporate, by the president, or proper agent or officer thereof.

Ninth—The property of a firm or company, by a partner or agent thereof.

Tenth—The property of manufacturers and others in the hands of agent, by and in the name of such agent, as merchandise.

WHERE LISTED AND ASSESSED, AND WHAT HELD TO BE PERSONAL PROPERTY—MANNER OF LISTING.

Where listed
and assessed.

§ 7. Personal property, except such as is required in this act to be listed and assessed otherwise, shall be listed and assessed in the county, town, city, village or district where the owner resides. The capital stock and franchises of corporations and persons, except as may be otherwise provided, shall be listed and taxed in the county, town, district, city or village where the principal office or place of business of such corporation or person is located in this state. If there be no principal office or place of business in this state, then at the place in this state where any such corporation or person transacts business.

Live stock.

§ 8. When the owner of live stock or other personal property connected with a farm does not reside thereon, the same shall be listed and assessed in the town or district

where the farm is situated: *Provided*, if the farm is situated in several towns or districts, it shall be listed and assessed in the town or district in which the principal place of business on such farm shall be.

§ 9. The property of manufacturers and others, in the hands of agents, shall be listed and assessed at the place where the business of such agent is carried on. Property in hands of agents.

§ 10. When real estate is exempt in the hands of the holder of the fee, and the same is contracted to be sold, the amount paid thereon by the purchaser, with the enhanced value of the investment and improvement thereon until the fee is conveyed, shall be held to be personal property, and listed and assessed as such, in the place where the land is situated. Real estate contracted to be sold.

§ 11. Personal property, *in transitu*, shall be listed and assessed in the county, town, city or district where the owner resides: *Provided*, if it is intended for a business, it shall be listed and assessed at the place where the property of such business is required to be listed. Personal property, in transitu.

§ 12. The stock of nurseries, growing or otherwise, in the hands of nurserymen, shall be listed and assessed as merchandise. Nursery stock.

§ 13. The personal property of banks or bankers, brokers, stock-jobbers, insurance companies, hotels, livery stables, saloons, eating houses, merchants and manufacturers, ferries, mining companies, and companies not specially provided for in this act, shall be listed and assessed in the county, town, city, village or district where their business is carried on, except such property as shall be liable to assessment elsewhere, in the hands of agents. All persons, companies and corporations in this state owning steamboats, sailing vessels, wharf boats, barges and other water craft, shall be required to list the same for assessment and taxation in the county, town, city, village or district in which the same may belong or be enrolled, registered or licensed, or kept when not enrolled, registered or licensed. Personal property of banks, etc.

§ 14. The personal property of gas and coke companies, except the pipes laid down, shall be listed and assessed in the town, village, district or city where the principal works are located. Gas mains and pipes, laid in roads, streets or alleys, shall be held to be personal property, and listed and assessed as such, in the town, district, village or city where the same are laid. Gas and coke companies.

§ 15. The personal property of street railroad, plank road, gravel road, turnpike or bridge companies, shall be listed and assessed in the county, town, district, village or city where the principal place of business is located. The track, road or bridge shall be held to be personal property, and listed and assessed as such, in the town, district, village or city where the same is located or laid. Street railroad, road and bridge companies.

- Stage companies § 16. The horses, stages and other personal property of stage companies or persons operating stage lines, shall be listed and assessed in the county, town, city or district where they are usually kept.
- Express companies. § 17. The personal property of express or transportation companies shall be listed and assessed in the county, town, district, village or city where the same is usually kept.
- Consignee of property. § 18. No consignee shall be required to list, for taxation, the value of any property consigned to him for the sole purpose of being stored or forwarded, except to the extent of his interest in such property.
- Persons listing property of others. § 19. Persons required to list property on behalf of others, shall list it in the same place in which they are required to list their own; but they shall list it separately from their own, specifying in each case the name of the person, estate, company or corporation to whom it belongs.
- Accrued interest on exempted bonds. § 20. Persons, for themselves or others, holding bonds or stocks of any kind, the principal of which bonds or stocks has been or may hereafter be exempted from taxation, shall list the amount of accrued interest on such bonds, without regard to the time when the same is to be paid.
- Deed held for security. § 21. Where a deed for real estate is held for the payment of a sum of money, such sum, so secured, shall be held to be personal property, and shall be listed and assessed as credits.
- Removal of owner of personal property. § 22. The owner of personal property removing from one county, town, city, village or district, to another, between the first day of May and the first day of July, shall be assessed in either, in which he is first called upon by the assessor. The owner of personal property moving into this state from another state, between the first day of May and the first day of July, shall list the property owned by him on the first day of May of such year, in the county, town, city, village or district in which he resides: *Provided*, if such person has been assessed, and can make it appear to the assessor that he is held for tax of the current year on the property, in another state, county, town, city or district, he shall not be again assessed for said year.
- County board and auditor. § 23. In all questions that may arise under this act as to the proper place to list personal property, or where the same cannot be listed as stated in this act, if between several places in the same county, the place for listing and assessing shall be determined and fixed by the county board; and when between different counties or places in different counties, by the auditor of public accounts; and when fixed in either case, shall be as binding as if fixed by this act.
- Schedule of personal property. § 24. Persons required to list personal property shall make out and deliver to the assessor, at the time required, a schedule of the numbers, amounts, quantity and quality of all personal property in their possession, or under their control, required to be listed for taxation by them. It shall be

the duty of the assessor to determine and fix the fair cash value of all items of personal property.

FORM OF SCHEDULE.

§ 25. Such schedule, when completed by the assessor in extending in a separate column the value of such property, shall truly and distinctly set forth: Form of schedule.

First—The number of horses of all ages, and the value thereof.

Second—The number of cattle of all ages, and the value thereof.

Third—The number of mules and asses of all ages, and the value thereof.

Fourth—The number of sheep of all ages, and the value thereof.

Fifth—The number of hogs of all ages, and the value thereof.

Sixth—Every steam engine, including boilers, and the value thereof.

Seventh—Every fire or burglar-proof safe, and the value thereof.

Eighth—Every billiard, pigeon hole, bagatelle or other similar tables, and the value thereof.

Ninth—Every carriage and wagon, of whatsoever kind, and the value thereof.

Tenth—Every watch and clock, and the value thereof.

Eleventh—Every sewing or knitting machine, and the value thereof.

Twelfth—Every piano forte, and the value thereof.

Thirteenth—Every melodeon and organ, and the value thereof.

Fourteenth—Every franchise, the description and the value thereof.

Fifteenth—Every annuity and royalty, the description and the value thereof.

Sixteenth—Every patent right, the description and the value thereof.

Seventeenth—Every steamboat, sailing vessel, wharf-boat, barge or other water craft, and the value thereof.

Eighteenth—The value of merchandise on hand.

Nineteenth—The value of material and manufactured articles on hand.

Twentieth—The value of manufacturers' tools, implements and machinery (other than boilers and engines, which shall be listed as such).

Twenty-first—The value of agricultural tools, implements and machinery.

Twenty-second—The value of gold or silver plate and plated ware.

Twenty-third—The value of diamonds and jewelry.

Twenty-fourth—The amount of moneys of bank, banker, broker or stock-jobber.

Twenty-fifth—The amount of credits of bank, banker, broker or stock-jobber.

Twenty-sixth—The amount of moneys other than of bank, banker, broker or stock-jobber.

Twenty-seventh—The amount of credits other than of bank, banker, broker or stock-jobber.

Twenty-eighth—The amount and value of bonds or stocks.

Twenty-ninth—The amount and value of shares of capital stock of companies and associations not incorporated by the laws of this state.

Thirtieth—The value of property such person is required to list as a pawnbroker.

Thirty-first—The value of property of companies and corporations other than property hereinbefore enumerated.

Thirty-second—The value of bridge property.

Thirty-third—The value of property of saloons and eating houses.

Thirty-fourth—The value of household or office furniture and property.

Thirty-fifth—The value of investments in real estate and improvements thereon required to be listed under this act.

Thirty-sixth—The value of all other property required to be listed.

Assessor to
administer oaths

§ 26. That whenever the assessor shall be of opinion that the person listing property for himself or for any other person, company or corporation, has not made a full, fair and complete schedule of such property, he may examine such person under oath in regard to the amount of the property he is required to schedule, and for that purpose he is authorized to administer oaths; and if such person shall refuse to answer under oath and a full discovery make, the assessor may list the property of such person or his principal, according to his best judgment and information. If the person so examined shall swear falsely, he shall be guilty of perjury and punished accordingly.

RULES FOR LISTING CREDITS.

Rules for listing
credits.

§ 27. In making up the amount of credits which any person is required to list for himself, or for any other person, company or corporation, he shall be entitled to deduct from the gross amount of credits the amount of all *bona fide* debts owing by such person, company or corporation, to any other person, company or corporation, for a consideration received; but no acknowledgment of indebtedness not founded on actual consideration, believed when received to have been adequate, and no such acknowledgment made for the purpose of being so deducted, shall be considered a debt within the meaning of this section; and so much only

of any liability, as surety for others, shall be deducted as the person making out the statement believes he is legally and equitably bound, and will be compelled to pay on account of the inability or insolvency of the principal debtor; and if there are other sureties who are able to contribute, then only so much as the surety in whose behalf the statement is made will be bound to contribute: *Provided*, that nothing in this section shall be so construed as to apply to any bank, company or corporation exercising banking powers or privileges, or to authorize any deductions allowed by this section from the value of any other item of taxation than credits.

§ 28. No person, company or corporation shall be entitled to any deduction from the amount of any bonds, stocks, or money loaned, or on account of any bond, note or obligation of any kind, given to any insurance company on account of premiums or policies, nor on account of any unpaid subscription to any religious, literary, scientific or charitable institution or society, nor on account of any subscription to or installment payable on the capital stock of any company, whether incorporated or unincorporated. Deductions.

§ 29. In all cases where deductions are claimed from credits, the assessor shall require that such deductions be verified by the oath of the person, officer or agent claiming the same; and any such person, officer or agent, knowingly or willfully making a fraudulent statement of such deductions claimed, so verified by affidavit, shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars, in addition to all damages sustained by the state, county, or other local corporations, to be recovered in any proper form of action in any court of competent jurisdiction, in the name of the People of the State of Illinois. Such fines, when recovered, shall be paid into the county treasury, and the damages, when collected, shall be paid to whom they belong. The assessor shall preserve the statement of deductions thus claimed, so verified by affidavit, and when he returns the assessment books shall file the same with the county clerk, to be kept on file in his office for two years, and at the expiration of such time, said statement of deductions shall be destroyed by said clerk; but in the meantime, shall be subject only to the inspection of the officers charged with the execution of this law. Deductions to be verified by oath.

RULES FOR LISTING AND VALUING THE PROPERTY AND BUSINESS OF BANKS, BANKERS, BROKERS AND STOCK-JOBBER.

§ 30. Every bank (other than a national bank), banker, broker or stock jobber, shall, at the time fixed by this act for listing personal property, make out and furnish the assessor a sworn statement, showing: Property of banks, bankers, etc.

First—The amount of money on hand or in transit.

Second—The amount of funds in the hands of other banks, bankers, brokers, or others, subject to draft.

Third—The amount of checks, or other cash items, the amount thereof not being included in either of the preceding items.

Fourth—The amount of bills receivable, discounted or purchased, and other credits due or to become due, including accounts receivable, and interest accrued but not due, and interest due and unpaid.

Fifth—The amount of bonds and stocks of every kind, and shares of capital stock of joint stock or other companies or corporations, held as an investment, or any way representing assets.

Sixth—All other property appertaining to said business, other than real estate, (which real estate shall be listed and assessed as other real estate is listed and assessed under this act.)

Seventh—The amount of all deposits made with them by other parties.

Eighth—The amount of all accounts payable, other than current deposit accounts.

Ninth—The amount of bonds or other securities exempt by law from taxation, specifying the amount and kind of each, the same being included in the preceding fifth item.

The aggregate amount of the first, second and third items in said statement, shall be listed as moneys. The amount of the sixth item shall be listed the same as other similar personal property is listed under this act. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credits. The aggregate amount of the ninth item shall be deducted from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

PAWN-BROKER.

Pawnbrokers.

§ 31. Every person or company engaged in the business of receiving property in pledge or as security for money or other thing advanced to the pawner or pledger, shall be held to be a pawnbroker, and shall, at the time required by this act, return, under oath, the value of all property pledged and held by him, as a pawn-broker, on hand on the first day of May, annually, and taxes shall be charged upon the fair cash value of such property, to such pawn-broker, the same as other property.

LISTING CAPITAL STOCK OF CORPORATIONS AND FRANCHISES OF PERSONS.

§ 32. Banking, bridge, express, ferry, gravel road, gas, insurance, manufacturing, mining, plank road, savings bank, stage, steamboat, street railroad, transportation, turnpike, and all other companies and associations incorporated under the laws of this state (other than banks organized under the general banking laws of this state), shall, in addition to the other property required by this act to be listed, make out and deliver to the assessor a sworn statement of the amount of its capital stock, setting forth particularly—

Capital stock
of corporations.

First—The name and location of the company or association.

Second—The amount of capital stock authorized, and the number of shares into which such capital stock is divided.

Third—The amount of capital stock paid up.

Fourth—The market value, or if no market value, then the actual value of the shares of stock.

Fifth—The total amount of all indebtedness except the indebtedness for current expenses—excluding from such expenses the amount paid for the purchase or improvement of property.

Sixth—The assessed valuation of all its tangible property. Such schedule shall be made in conformity to such instruction and forms as may be prescribed by the auditor of public accounts. In all cases of failure or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the assessor to make such return or statement from the best information which he can obtain.

§ 33. Such statements shall be scheduled by the assessor; and such schedule, with the statements so scheduled, shall be returned by the assessor to the county clerk. Said clerk shall, at the time he makes his report of assessment, forward to the auditor all such schedules and statements so returned to him. The auditor shall, annually, on the meeting of the state board of equalization, lay before said board the schedules and statements herein required to be returned to him; and said board shall value and assess the capital stock of such companies or associations, in the manner provided in this act.

Statements to
be scheduled.

§ 34. Every person owning or using a franchise granted by any law of this state, shall, in addition to his other property, list the same as personal property, giving the total value thereof.

Franchises to
be listed.

STATE AND NATIONAL BANKS.

State and national banks.

§ 35. The stockholders in every bank located within this state, whether such bank has been organized under the banking laws of this state or of the United States, shall be assessed and taxed on the value of their shares of stock therein, in the county, town, district, village or city where such bank or banking association is located, and not elsewhere, whether such stockholders reside in such place or not. Such shares shall be listed and assessed with regard to the ownership and value thereof, as they existed on the first day of May, annually, subject, however, to the restriction that taxation of such shares shall not be at a greater rate than is assessed upon any other moneyed capital in the hands of individual citizens of this state, in the county, town, district, village or city where such bank is located. The shares of capital stock of national banks not located in this state, held in this state, shall not be required to be listed under the provisions of this act.

List of stockholders.

§ 36. In each such bank there shall be kept at all times a full and correct list of the names and residences of its stockholders, and of the number of shares held by each; which list shall be subject to the inspection of the officers authorized to assess property for taxation; and it shall be the duty of the assessor to ascertain and report to the county clerk a correct list of the names and residences of all stockholders in any such bank, with the number and assessed value of all such shares held by each stockholder.

Valuation of shares.

§ 37. The county clerk, to whom such returns are made, shall enter the valuation of such shares in the tax lists, in the names of the respective owners of the same, and shall compute and extend taxes thereon the same as against the valuation of other property in the same locality.

Tax on shares.

§ 38. The collector of taxes, and the officer or officers authorized to receive taxes from the collector, may, all or either of them, have an action to collect the tax assessed on any share or shares of bank stock from the avails of the sale of such share or shares; and the tax against such share or shares shall be and remain a lien thereon till the payment of said tax.

Dividends to be retained.

§ 39. For the purpose of collecting such taxes, it shall be the duty of every such bank, or the managing officer or officers thereof, to retain so much of any dividend or dividends belonging to such stockholders as shall be necessary to pay any taxes levied upon their shares of stock, respectively, until it shall be made to appear to such bank or its officers that such taxes have been paid; and any officer of any such bank who shall pay over or authorize the paying over of any such dividend or dividends, or any portion there-

of, contrary to the provisions of this section, shall thereby become liable for such tax; and if the said tax shall not be paid, the collector of taxes where said bank is located shall sell said share or shares to pay the same, like other personal property. And in case of sale the provision of law in regard to the transfer of stock when sold on execution, shall apply to such sale.

MANNER OF LISTING AND VALUING THE PROPERTY OF RAILROADS.

§ 40. Every person, company or corporation owning, operating or constructing a railroad in this state, shall return Listing prop-
erty of railroads.
sworn lists or schedules of the taxable property of such railroad, as hereinafter provided. Such property shall be listed and assessed with reference to the amount, kind and value on the first day of May of the year in which it is listed.

§ 41. They shall, in the month of May of the year eighteen hundred and seventy-three, and at the same time Schedule of
railroad prop-
erty.
in each year thereafter when required, make out and file with the county clerks of the respective counties in which the railroad may be located, a statement or schedule showing the property held for right of way, and the length of the main, and all side and second tracks and turnouts in such county, and in each city, town and village in the county, through or into which the road may run, and describing each tract of land, other than a city, town or village lot, through which the road may run, in accordance with the United States surveys, giving the width and length of the strip of land held in each tract, and the number of acres thereof. They shall also state the value of improvements and stations located on the right of way. New companies shall make such statement in May next after the location of their roads. When such statement shall have been once made, it shall not be necessary to report the description as hereinbefore required, unless directed so to do by the county board; but the company shall, during the month of May, annually, report the value of such property, by the description set forth in the next section of this act, and note all additions or changes in such right of way, as shall have occurred.

§ 42. Such right of way, including the superstructures Right of way.
of main, side or second track and turnouts, and the stations and improvements of the railroad company on such right of way, shall be held to be real estate for the purposes of taxation, and denominated "railroad track," and shall be so listed and valued; and shall be described in the assessment thereof as a strip of land extending on each side of such railroad track, and embracing the same, together with all the stations and improvements thereon, commencing at a point where such railroad track crosses the boundary line

in entering the county, city, town or village, and extending to the point where such track crosses the boundary line leaving such county, city, town or village, or to the point of termination in the same, as the case may be, containing acres, more or less (inserting name of county, township, city, town or village boundary line of same, and number of acres, and length in feet,) and when advertised or sold for taxes, no other description shall be necessary.

Railroad track. § 43. The value of the "railroad track" shall be listed and taxed in the several counties, towns, villages, districts and cities, in the proportion that the length of the main track in such county, town, village, district or city bears to the whole length of the road in this state, except the value of the side or second track, and all turnouts, and all station houses, depots, machine shops, or other buildings belonging to the road, which shall be taxed in the county, town, village, district or city in which the same are located.

Rolling stock. § 44. The moveable property belonging to a railroad company shall be held to be personal property, and denominated, for the purpose of taxation, "rolling stock." Every person, company or corporation, owning, constructing or operating a railroad in this state, shall, in the month of May, annually, return a list or schedule, which shall contain a correct detailed inventory of all the rolling stock belonging to such company, and which shall distinctly set forth the number of locomotives of all classes, passenger cars of all classes, sleeping and dining cars, express cars, baggage cars, house cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand cars, and all other kinds of cars.

Rolling stock, where taxed. § 45. The rolling stock shall be listed and taxed in the several counties, towns, villages, districts and cities, in the proportion that the length of the main track, used or operated in such county, town, village, district or city, bears to the whole length of the road used or operated by such person, company or corporation, whether owned or leased by him or them, in whole or in part. Said list or schedule shall set forth the number of miles of main track on which said rolling stock is used in the state of Illinois, and the number of miles of main track on which said rolling stock is used elsewhere.

Tools and materials. § 46. The tools and materials for repairs, and all other personal property of any railroad, except "rolling stock," shall be listed and assessed in the county, town, village, district or city, wherever the same may be on the first day of May. All real estate, including the stations and other buildings and structures thereon, other than that denominated "railroad track," belonging to any railroad, shall be listed as lands or lots, as the case may be, in the county, town, village, district or city where the same are located.

List of real estate. § 47. The county clerk shall return to the assessor of the town or district, as the case may require, a copy of the

schedule or list of the real estate (other than "railroad track,") and of the personal property (except "rolling stock,") pertaining to the railroad; and such real and personal property shall be assessed by the assessor. Such property shall be treated in all respects, in regard to assessment and equalization, the same as other similar property belonging to individuals; except that it shall be treated as property belonging to railroads, under the terms "lands," "lots" and "personal property."

§ 48. At the same time that the lists or schedules are hereinbefore required to be returned to the county clerks, the person, company or corporation, running, operating or constructing any railroad in this state, shall return to the auditor of public accounts sworn statements or schedules, as follows:

Statements to auditor.

First—Of the property denominated "railroad track," giving the length of the main and side or second tracks and turn outs, and showing the proportions in each county, and the total in the state.

Second—The "rolling stock," giving the length of the main track in each county, the total in this state, and the entire length of the road.

Third—Showing the number of ties in track per mile, the weight of iron or steel per yard, used in main and side tracks; what joints or chairs are used in track, the ballasting of road, whether graveled or dirt, the number and quality of buildings or other structures on "railroad track," the length of time iron in track has been used, and the length of time the road has been built.

Fourth—A statement or schedule showing:

1. The amount of capital stock authorized and the number of shares into which such capital stock is divided.
2. The amount of capital stock paid up.
3. The market value, or if no market value, then the actual value of the shares of stock.
4. The total amount of all indebtedness, except for current expenses for operating the road.
5. The total listed valuation of all its tangible property in this state.

Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the auditor of public accounts.

§ 49. If any person, company or corporation, owning, operating or constructing any railroad, shall neglect to return to the county clerks the statements or schedules required to be returned to them, the property so to be returned, and assessed by the assessor, shall be listed and assessed as other property. In case of failure to make returns to the auditor, as hereinbefore provided, the auditor, with the assistance of the county clerks and assessors, when he shall require such assistance, shall ascertain the necessary

Failure to return schedules.

facts and lay the same before the state board of equalization. In case of failure to make said statements; either to the county clerk or auditor, such corporation, company or person shall forfeit, as a penalty, not less than one thousand nor more than ten thousand dollars for each offense, to be recovered in any proper form of action, in the name of the "People of the State of Illinois," and paid into the state treasury.

State board of equalization.

§ 50. The auditor shall annually, on the meeting of the state board of equalization, lay before said board the statements and schedules herein required to be returned to him, and said board shall assess such property in the manner hereinafter provided.

Record book for railroad property.

§ 51. The county clerk shall procure at the expense of the county a record book, properly ruled and headed, in which to enter the railroad property of all kinds, as listed for taxation, and shall enter the valuations as assessed, corrected and equalized, in the manner provided by this act; and against such assessed, corrected or equalized valuation, as the case may require, the county clerk shall extend all the taxes thereon, for which said property is liable; and at the proper time fixed by this act for delivering tax books to the county collector, the clerk shall attach a warrant, under his seal of office, and deliver said book to the county collector, upon which the said county collector is hereby required to collect the taxes therein charged against railroad property, and pay over and account for the same in the manner provided in other cases. Said book shall be returned by the collector and be filed in the office of the county clerk for future use.

Plats of land.

§ 52. When any railroad company shall make or record a plat of any contiguous lots or parcels of land belonging to it, the same may be described as designated on such plat.

TELEGRAPH COMPANIES.—RETURN.

Telegraph companies, return.

§ 53. Any person, company or corporation, using or operating a telegraph line in this state, shall, annually, in the month of May, return to the auditor of public accounts a schedule or statement, as follows:

First—The amount of capital stock authorized, and the number of shares into which such capital stock is divided.

Second—The amount of capital stock paid up.

Third—The market value, or if no market value, then the actual value of the shares of stock.

Fourth—The total amount of all indebtedness, except current expenses, for operating the line.

Fifth—The length of line operated in each county, and the total in the state.

Sixth—The total assessed valuation of all its tangible property in this state.

Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the auditor of public accounts, and with reference to amounts and values on the first day of May of the year for which the return is made.

§ 54. The auditor shall annually, on the meeting of the state board of equalization, lay before said board the statement or schedule herein required to be returned to him; and said board shall assess the capital stock of such telegraph company, in the manner hereinafter provided. The tax charged on the capital stock of telegraph companies shall be placed in the hands of county collectors, in a book provided for that purpose, the same as is required for railroad property, and may be included in same book with railroad property.

Capital stock
of telegraph
companies.

§ 55. The office furniture and other personal property of telegraph companies shall be listed and assessed in the county, town, district, village or city where the same is used or kept.

Office furni-
ture, etc.

PENALTY.

§ 56. If any person or corporation shall give a false or fraudulent list, schedule or statement, required by this act, or shall fail or refuse to deliver to the assessor, when called on for that purpose, a list of the taxable personal property which he is required to list under this act, he or it shall be liable to a penalty of not less than ten dollars nor more than two thousand, to be recovered in any proper form of action, in the name of the "People of the State of Illinois," on the complaint of any person. Such fine, when collected, to be paid into the county treasury.

Penalty for giv-
ing fraudulent
list.

§ 57. Whoever shall willfully make a false list, schedule or statement, under oath, shall, in addition to the penalty provided in the preceding section, be liable as in the case of perjury.

False lists, un-
der oath.

REAL PROPERTY—AS OF WHAT TIME LISTED—WHO LIABLE FOR TAX.

§ 58. All real property in this state, subject to taxation under this act, including real estate becoming taxable for the first time, shall be listed to the owners thereof, by such owners, their agents, county clerks, or assessors, or the county board, and assessed for the year one thousand eight hundred and seventy-three, and yearly thereafter, with reference to the amount owned on the first day of May in each year, including all property purchased on that day: *Provided*, that no assessment of real property shall be considered as illegal by reason of the same not being listed or assessed in the name of the owner or owners thereof.

Real property,
who liable for
tax.

First day of May § 59. The owner of property on the first day of May in any year, shall be liable for the taxes of that year. The purchaser of property on the first day of May shall be considered as the owner on that day.

Exempt real estate, when leased. § 60. When real estate, which is exempt from taxation, is leased to another whose property is not exempt, and the leasing of which does not make the real estate taxable, the leasehold estate and the appurtenances shall be listed as the property of the lessee thereof, or his assignee, as real estate.

Government lands. § 61. Government lands entered or located on or prior to the first day of May, shall be taxable for that year, and annually thereafter. School lands and lots sold shall be taxable in like manner as government lands. Lands and lots sold by the trustees of the Illinois and Michigan canal shall be taxable from and after the time the full payment therefor is made. Illinois Central railroad lands and lots shall be taxable from and after the time the last payment becomes due. Swamp lands and lots shall become taxable whenever the county sells, conveys, or agrees to convey its title: *Provided*, that canal, Illinois Central railroad and swamp lands and lots shall be, in other respects, governed, as to the time of becoming taxable, the same as government lands.

SUBDIVIDING.

Subdividing, lands to be surveyed. § 62. In all cases where any tract or lot of land is divided in parcels, so that it cannot be described without describing it by metes and bounds, it shall be the duty of the owner to cause such land to be surveyed and platted into lots. Such plat shall be certified and recorded. The description of real estate, in accordance with the number and description set forth in the plat, aforesaid, shall be deemed a good and valid description of the lot or parcel of land so described.

Refusal or neglect to survey. § 63. If the owner of any such tract or lot shall refuse or neglect to cause such survey to be made within thirty days after being notified by the county clerk, said clerk shall cause such survey to be made and recorded; and the expense thereof shall be added to the tax levied on such real property, and when collected, shall be paid on demand, to the persons to whom it is due.

HOW LISTED AS BETWEEN COUNTIES.

How listed as between counties. § 64. Any tract of land not exceeding one-sixteenth of a section, shall be listed in the county where the greater part thereof is situated. When any such tract of land shall be situated equally in two counties, the auditor shall determine in which county it shall be listed. If there be several

tracts similarly situated, the auditor shall apportion them equally between the counties as nearly as practicable. County clerks may have the actual contents of such tracts lying in their respective counties, surveyed, platted and recorded, in the manner provided for in other cases.

HOW LISTED AS BETWEEN TOWNS.

§ 65. The foregoing rule shall apply to lands lying in different towns: *Provided*, the county clerk shall act in said cases, instead of the auditor. How listed as between towns.

MAKING AND DELIVERY OF ASSESSMENT BOOKS AND BLANKS.

§ 66. The county clerk shall make up for the several towns or districts in his county, in books to be provided for that purpose, the lists of lands and lots to be assessed for taxes. When a whole section, half section, quarter section, or half quarter section, appears to belong to one owner, it shall be listed as one tract. And when all the lots in one block appear to belong to one owner, they shall be listed as a block. When several lots in the same block shall belong to the same owner, they shall be included in one description. Said clerk shall enter in the proper column, opposite the respective tracts or lots, the name of the owners thereof, so far as he shall be able to ascertain the same. Said books shall contain columns in which may be shown the number of acres or lots improved, and the value thereof; the number of acres or lots not improved, and the value thereof; the total value; and such other columns as may be required. Making and delivery of assessment books.

§ 67. The books for the assessment of property in counties not under township organization, shall be made up by congressional townships—but parts or fractional townships, less than full townships, may be added to full townships, at the discretion of the county board. In counties under township organization, said books shall be made to correspond with the organized townships. Separate books shall be made for the assessment of property and the collection of all taxes and special assessments thereon, within the corporate limits of cities, towns and villages, if ordered by the county board. Counties under township organization.

§ 68. The county clerk shall cause such lists to be carefully compared with the list of taxable real property on file in his office. Lists to be compared.

§ 69. The county clerk shall cause such assessment books, and all blanks necessary to be used by the assessor in the assessment of real and personal property, to be in readiness for delivery to the assessor on or before the first day of May in each year. Assessment books, delivery of.

§ 70. It shall be the duty of each county, town or district assessor to call on the county clerk on or before the Assessor to receive books and blanks.

first day of May in each year, and receive the necessary books and blanks for the assessment of property, and the failure of any assessor so to do, shall be deemed sufficient cause to declare his office vacant, and for the appointment of a successor.

Lands not contained in books.

§ 71. If, after the delivery of such books to the assessor in any year, the clerk shall receive an abstract showing the entry of any lands or lots not contained in such books, it shall be his duty to furnish a list of the same to the proper assessor within five days after such abstract is received.

APPOINTMENT OF ASSESSORS AND DEPUTY ASSESSORS.

Appointment of assessors.

§ 72. Until provision is made by law for the election of the county assessor in counties not under township organization, the county board, in said counties, shall, annually, appoint some suitable and competent person as county assessor, and the person so appointed shall hold his office for one year, subject, however, to all the fines, penalties, and removal from office, provided for in this act. A vacancy from any cause, in the office of assessor, shall be filled by appointment by said board.

Assessors to appoint deputies.

§ 73. If any assessor, for any cause whatever, shall be unable to perform the duties required of him, within the time designated by law, he may, by and with the advice and consent of the chairman of the county board, or board of town auditors, as the case may require, appoint one or more suitable persons to act as deputies to assist him in making the assessment, and may designate the district, or portion of the township, county, city, village or town in which such deputy or deputies are authorized to list and assess property. Such deputy assessors shall make their returns to the assessor.

OATH AND DUTIES OF ASSESSORS—ASSESSMENT OF REAL AND PERSONAL PROPERTY.

Oath of the assessor.

§ 74. Every assessor or deputy assessor, before entering upon the duties of his office, shall take and subscribe the oath required by the constitution.

Vacancy in office of assessor.

§ 75. If any assessor shall fail to take the oath required by this act, his office shall become vacant; and in such case, or in case the office of assessor is vacant for any cause, the county board or town board, as the case may be, shall fill the vacancy by the appointment of some suitable person, who shall qualify and discharge the duties of such assessor till the office is otherwise filled, as required by law.

Assessor to view property.

§ 76. Assessors shall, between the first day of May and the first day of July of each year, actually view and determine, as nearly as practicable, the fair cash value of each tract or lot of land listed for taxation, and set down in pro-

per columns, in the book furnished him, the value of each tract or lot improved, the value of each tract or lot not improved, and the total value. He shall also set down, in separate columns, the number of acres in wheat, corn, oats, meadow, and other field products, in inclosed pasture, orchards and woodlands, whether inclosed or not, in that year.

§ 77. If the assessor discovers any real property, subject to taxation, which has not been returned to him by the clerk, he shall list and assess such property. Property not returned, assessor to list.

§ 78. The assessor or his deputy shall, also, between the first day of May and July, proceed to take a list of the taxable personal property in his county, town or district, and assess the value thereof in the manner following, to-wit: He shall call at the office, place of doing business, or residence of each person required by this act to list property, and list his name, and shall require such person to make a correct statement of his taxable property, in accordance with the provisions of this act; and the person listing the property shall enter a true and correct statement of such property, in the form prescribed by this act, which shall be signed and sworn to, to the extent required by this act, by the person listing the property, and delivered to the assessor; and the assessor shall thereupon assess the value of such property, and enter the same in his books: *Provided*, if any property is listed or assessed on or after the first day of July, and before the return of the assessor's books, the same shall be as legal and binding as if listed and assessed before that time. Manner of assessing.

§ 79. If any person required by this act to list property shall be sick or absent when the assessor calls for a list of his property, the assessor shall leave at the office or usual place of residence or business of such person a written or printed notice, requiring such person to make out and leave at the place named by said assessor, on or before some convenient day named therein, the statement or schedule required by this act. The date of leaving such notice, and the name of the person required to list the property, shall be carefully noted by the assessor in a book to be kept for that purpose. Assessor leave notice.

§ 80. The assessor may examine, on oath, any person whom he may suppose to have knowledge of the amount or value of the personal property which the person so refusing is required to list. The assessor may take any proper form of action to compel the attendance of a witness. Assessor may examine on oath

§ 81. It shall be the duty of assessors, when making assessments of personal property, to designate the number of school district or districts in which each person assessed is liable for tax; which designation shall be made by writing the number of the district opposite each assessment, in a column provided for that purpose in the assessment book. Number of school district.

Property in general school districts.

§ 82. When the personal property of any person is assessable in several school districts, the amount in each shall be assessed separately, and the name of the owner placed opposite each amount.

Failure to obtain statement.

§ 83. In all cases of failure to obtain a statement of personal property, from any cause, it shall be the duty of the assessor to ascertain the amount and value of such property, and assess the same as he believes to be the fair amount and value thereof.

Copy of statement, assessor to deliver.

§ 84. The assessor, when requested, shall deliver to the person assessed a copy of the statement of property hereinbefore required, showing the valuations of the assessor of the property so listed; which copy shall be signed by the assessor.

Instructions and forms from auditor.

§ 85. Assessors, in the execution of their duties, shall use the forms and pursue the instructions which shall, from time to time, be transmitted to them by the auditor, or that may be furnished to them by the county clerk or other officer, in pursuance of law.

REVIEW OF ASSESSMENT BY TOWN BOARD, IN COUNTIES UNDER TOWNSHIP ORGANIZATION.

Review of assessment, counties under township organization

§ 86. In counties under township organization, the assessor, clerk and supervisor of the town shall meet on the fourth Monday of June, for the purpose of reviewing the assessment of property in such town. And on the application of any person considering himself aggrieved, or who shall complain that the property of another is assessed too low, they shall review the assessment, and correct the same, as shall appear to them just. No complaint that another is assessed too low shall be acted upon until the person so assessed, or his agent, shall be notified of such complaint, if a resident of the county. Any two of said officers meeting, are authorized to act, and they may adjourn from day to day, till they shall have finished the hearing of all cases presented on said day. Property assessed after the fourth Monday of June shall be subject to complaint to the county board, subject to the rules specified in this section.

Notice of review.

§ 87. The assessor shall cause at least ten days previous notice of the time and place of such meeting, to be given by posting notices in at least three public places in such town.

Failure to give notice.

§ 88. The failure to give such notice or hold said meeting shall not vitiate such assessment, except as to the excess of valuation or tax thereon shown to be unjustly made or levied.

RETURN OF ASSESSOR TO COUNTY CLERK.

Return of the assessor.

§ 89. The assessor shall add up and note the aggregate of each column in his assessment books of real and personal

property. And shall also add in each book, under proper headings, a tabular statement, showing the footings of the several columns upon each page; and shall add up and set down under the respective headings the totals of the several columns. When an assessor returns several assessment books of real or personal property, he shall, in addition to the tabular statements herein required, return a statement in like form, showing the totals of all the books.

§ 90. The assessor shall, on or before the first day of July of the year for which the assessment is made, return his assessment books to the county clerk, verified by his affidavit substantially in the following form : Oath to return.

STATE OF ILLINOIS, }
 County. } ss.

I,, assessor of, do solemnly swear that the book to which this is attached contains a correct and full list of all the real property, (or "personal property," as the case may be,) subject to taxation in . . . , so far as I have been able to ascertain the same; and that the assessed value set down in the proper column opposite the several kinds and descriptions of property is, in each case, the fair cash value of such property, to the best of my knowledge and belief, (where the assessment has been corrected by a town board, "except as corrected by the town board,") and that the footings of the several columns in said book, and tabular statement returned herewith, is correct, as I verily believe.

§ 91. The assessor shall at the same time deliver to the county clerk all the schedules and statements of personal property which shall have been received by him, indorsed with the name of the person whose property is listed, and arranged in alphabetical order; and the clerk shall preserve the same in his office for two years thereafter. Delivery of
schedules and
statements.

§ 92. The several assessment books shall be filed in the office of the county clerk, and there remain open to the inspection of all persons. Assessment
books filed.

PAY OF ASSESSORS AND DEPUTY ASSESSORS.

§ 93. The pay of assessors and deputy assessors shall, from time to time, in counties not under township organization, be determined and fixed by the county board, and in counties under township organization, by the town board of auditors. Such pay shall be for the time necessarily employed in making the assessment, to be paid county assessors and their deputies out of the county treasury, and town assessors and their deputies out of the town treasury. Pay of assessors

§ 94. Assessors and deputy assessors shall make out their accounts in detail, giving the date of each day which they shall have been employed, which account they shall verify under oath. The assessor shall not be entitled to compensation until he shall have filed the lists, schedules, statements and books appertaining to the assessment of property for such year, in the office of the county clerk—the books to be accurately made and added up. An assessor or deputy assessor shall not be entitled to pay unless he has Accounts of
assessors.

performed the labor and made return in strict compliance with law.

DUTIES OF CLERK ON RETURN OF ASSESSMENT BOOKS.

Return of assessment books, duties of clerk.

§ 95. The clerk, upon receipt of the assessment books of real property, shall correct all errors of whatsoever kind which he may discover, and add the name of the owner, if known, when the same does not already appear, and the description of all real property which has been omitted by the assessor, and is liable to taxation.

Correction of assessment books.

§ 96. If the assessor has listed and assessed any real property not returned by the auditor to the clerk, the clerk shall immediately advise the auditor thereof, who shall ascertain if the same is taxable, and advise the clerk. If taxable, the clerk shall enter the same in the list of taxable property in his office; if not, he shall correct the assessment books.

EQUALIZATION OF ASSESSMENTS BY THE COUNTY BOARD.

Equalization of assessments by county board.

§ 97. The county board, at a meeting to be held for the purpose contemplated in this section, on the second Monday in July, annually, after the return of the assessment books, shall—

First—Assess all such lands or lots as have been listed by the county clerk, and not assessed by the assessor. Said board may make such alterations in the descriptions of real property as it shall deem necessary.

Second—On the application of any person considering himself aggrieved, or who shall complain that the property of another is assessed too low, they shall review the assessment and correct the same as shall appear to be just. No complaint that another is assessed too low shall be acted upon until the person so assessed or his agent shall be notified of such complaint, if a resident of the county.

Third—To hear and determine the application of any person who is assessed on property claimed to be exempt from taxation. If the board shall decide that any such property is not liable to taxation, and the question as to the liability of such property to taxation has not been previously determined, as hereinafter provided, the decision of said board shall not be final, unless approved by the auditor of public accounts; and it shall be the duty of the county clerk, in all such cases, to make out and forward to the auditor a full and complete statement of all the facts in the case. If the auditor is satisfied that such property is not legally liable to taxation, he shall notify the clerk of his approval of the decision of the board, and the said clerk shall correct the assessment accordingly. But if the auditor is satisfied that such property is liable to taxation, he shall advise the

clerk of his objection to the decision of the board, and give notice to said clerk that he will apply to the supreme court in either division, specifying at what term thereof, for an order to set aside and reverse the decision of the county board. Upon the receipt of such notice, the clerk shall notify the person making the application aforesaid. It shall be the duty of the auditor to file in the supreme court a certified statement of the facts certified by the clerk, as aforesaid, together with his objections thereto, and the court shall hear and determine the matter as the right of the case may be. If the board shall decide that property so claimed to be exempt is liable to be taxed, and the party aggrieved shall at the time pray an appeal, a brief statement in the case shall be made by the clerk, and transmitted to the auditor, who shall present the case to the supreme court in like manner as hereinbefore provided. In either case, the collection of the tax shall not be delayed thereby, but in case the property is decided to be exempt, the tax shall be abated or refunded.

Fourth—It shall ascertain whether the valuations in one town or district bear just relation to all the towns or districts in the county; and may increase or diminish the aggregate valuation of property in any town or district, by adding or deducting such sum upon the hundred as may be necessary to produce a just relation between all the valuations of property in the county; but shall, in no instance, reduce the aggregate valuation of all the towns or districts below the aggregate valuation thereof, as made by the assessors; neither shall it increase the aggregate valuation of all the towns or districts, except in such an amount as may be actually necessary and incidental to a proper and just equalization. It may consider lands, town or city lots, personal property, and railroad property (except "railroad track" and "rolling stock,") separately, and determine a separate rate per cent. of addition or reduction for each of said classes of property, as may be necessary to a just equalization of the assessed value of said classes of property within the respective towns, and of the same between the several towns or districts in the county. If the county board of any county shall find the aggregate assessment of the county is too high or too low, or is generally so unequal as to render it impracticable to equalize such assessment fairly, they may set aside the assessment of the whole county or of any township or townships therein, and order a new assessment, with instructions to the assessors to increase or diminish the aggregate assessment of such county or township, as the case may be, by such an amount as said board may deem right and just in the premises, and consistent with this act.

REPORT OF ASSESSMENT BY THE CLERK, TO THE AUDITOR,
FOR EQUALIZATION.

Report to audi-
tor.

§ 98. On or before the tenth day of July, annually, it shall be the duty of county clerks, upon the receipt of the assessment books, to make out and transmit to the auditor an abstract of the assessment of property, showing the number, value and average value of each kind of enumerated property, as shown by the assessment; the value of each item of unenumerated property, and total value of personal property; the length of main track, the length of side track, and the numbers, values, and average values of each separate item of railroad property; the number of acres, value and average value of improved lands; the number of acres, value and average value of unimproved lands; the total number of acres, total value and average value, per acre, of all lands; the number, value and average value of improved town or city lots; the number, value and average value of unimproved town or city lots; the total number of lots, total value and average value of all lots; and the total value of all property; the number of acres in cultivation of wheat, corn, oats, meadow, and other field products in inclosed pasture, orchards and woodland, whether inclosed or not in that year. Said abstract shall be made out on blanks, which it shall be the duty of the auditor to furnish the county clerks for that purpose. The values to be given in said abstract shall be the assessed valuations, except in the case of railroad property denominated "railroad track" and "rolling stock," the value of which shall be given as returned by the railroad company to the county clerk. The county clerk shall, at the same time, and accompanying said abstract, furnish a detailed statement of the railroad property denominated "railroad track" and "rolling stock," reported by each road located in or through their counties. If there are any roads so located that have not made their reports as required by this act, the clerk shall report the fact, giving the name of such railroad.

Failure of as-
sessor to make
return.

§ 99. It shall be the duty of the county clerks, in case of failure of any assessor to make return of assessment within the time specified in this act, to transmit a statement of the assessment in all the towns or districts from which returns have been received, together with a statement of the amount of taxable property assessed in the defaulting towns or districts for the previous year.

STATE BOARD OF EQUALIZATION.

State board of
equalization.¶

§ 100. The state board of equalization shall, at the expiration of the term of office of the members now forming

said board, consist of one member from each congressional district in the state, elected as hereinafter provided, and the auditor of public accounts.

§ 101. The qualified electors of each congressional district shall, at the general election in November, eighteen hundred and seventy-two, and every four years thereafter, elect one of their number to serve as a member of said board of equalization, who shall hold his office for four years, and until his successor is elected and qualified. The returns of the poll-books and certificates of election shall be governed by the laws regulating the election of members of congress; and in case of vacancy occurring in said board by death, resignation or otherwise, it shall be the duty of the governor to appoint some person (having the qualifications of an elector in the district in which such vacancy occurs) to fill the same until the next regular election for members of said board. How elected.

§ 102. Each member of said board, before entering upon the duties of his office, shall take the oath (or affirmation) prescribed by the constitution of this state. Oath of members.

§ 103. At the first meeting of said board, quadrennially, it shall organize by selecting one of its members as chairman, and appointing a secretary; and may, from time to time, select such employees as may be deemed necessary. The secretary shall take the oath prescribed by the constitution. Organization of board.

§ 104. It shall be the duty of the secretary of said board, under the direction of the auditor of public accounts, to compile the abstracts of assessments received from the county clerks into tabular statements, convenient for the use of the board; which statements and the original abstracts shall be submitted to the board on the first day of its session in each year, or as soon thereafter as the board is organized. The secretary shall perform such duties in vacation as shall be assigned to him by the board. Tabular statements to be compiled.

§ 105. Said board shall assemble at the state capital on the second Tuesday in the month of August, annually, and examine the abstracts of property assessed for taxation in the several counties of this state, as returned to the auditor, and shall equalize the assessments as hereinafter provided; but said board shall not reduce the aggregate assessed valuation in the state; neither shall it increase said aggregate valuation, except in such an amount as may be reasonably necessary to a just equalization, and not exceeding one per cent. on such aggregate assessed valuation; but this rule shall not apply to railroad property. Time of meeting.

§ 106. Said board, in equalizing the valuation of property as listed and assessed in the different counties, shall consider the following classes of property separately, viz: personal property; railroad and telegraph property; lands, and town and city lots; and, upon such consideration, de- Separate classes of property.

termine such rates of addition to or deduction from the listed or assessed valuation of each of said classes of property in each county, or to or from the aggregate assessed value of each of said classes in the state, as may be deemed by the board to be equitable and just—such rates being in all cases even and not fractional; and such rates, as finally determined by said board, shall not be combined.

State averages.

§ 107. In equalizing the value of personal property between the several counties, said board shall cause to be obtained the state averages of the several kinds of enumerated property, from the aggregate footings of the number and value of each; and the value of the several kinds of enumerated property in each county shall be obtained at those average values; and the value of enumerated property thus obtained, as compared with the assessed value of such property in each county, shall be taken by said board to obtain a rate per cent. to be added to or deducted from the total assessed value of personal property in each county: *Provided*, that whenever in the opinion of the board it is necessary, to a more just and equitable equalization of personal property, that a rate per cent. be added to or deducted from the value thus obtained in any one or more of the counties, said board shall have the right so to do; but the rate per cent. hereinbefore required shall first be obtained to form the basis upon which the equalization of personal property shall be made.

Capital stock of associations.

§ 108. The state board of equalization shall assess the capital stock of each company or association, respectively, now or hereafter incorporated under the laws of this state, in the manner hereinbefore in this act provided. The respective assessments so made (other than of the capital stock of railroad and telegraph companies) shall be certified by the auditor, under direction of said board, to the county clerk of the respective counties in which such companies or associations are located, and said clerk shall extend the taxes for all purposes on the respective amounts so certified the same as may be levied on the other property in such towns, districts, villages or cities in which such companies or associations are located.

Railroad property.

§ 109. Said board shall also assess the railroad property denominated in this act as “railroad track” and “rolling stock;” and said board is hereby given the power and authority, by committee or otherwise, to examine persons and papers. The amount so determined and assessed shall be certified by the auditor to the county clerks of the proper counties. The county clerk shall, in like manner, distribute the value, so certified to him by the auditor, to the county and to the several towns, districts, villages and cities in his county entitled to a proportionate value of such “railroad track” and “rolling stock.” And said clerk shall

extend taxes against such values, the same as against other property in such towns, districts, villages and cities.

§ 110. The aggregate amount of capital stock of railroad or telegraph companies assessed by said board shall be distributed proportionately by said board to the several counties in like manner that the property of railroads denominated "railroad track" is distributed. The amount so determined shall be certified by the auditor to the county clerks of the proper counties. The county clerk shall, in like manner, distribute the value, so certified to him by the auditor, to the county and to the several towns, districts, villages and cities in his county entitled to a proportionate value of such capital stock. And said clerk shall extend taxes against such values the same as against other property in such towns, districts, villages and cities. Aggregate am't distributed.

§ 111. Lands shall be equalized by adding to the aggregate assessed value thereof, in every county in which said board may believe the valuation to be too low, such rate per centum as will raise the same to its proper proportionate value, and by deducting from the aggregate assessed value thereof, in every county in which said board may believe the valuation to be too high, such per centum as will reduce the same to its proper value. Town and city lots shall be equalized in the same manner herein provided for equalizing lands, and, at the option of said board, may be combined and equalized with lands. Equalization of lands.

§ 112. When said board shall have separately considered the several classes of property as hereinbefore required, the results shall be combined into one table, and the same shall be examined, compared and perfected, in such manner as said board shall deem best to accomplish a just equalization of assessments throughout the state, preserving, however, the principle of separate rates for each class of property. Classes of property tabulated.

§ 113. In all cases of partial return from any county where the number of defaulting towns or districts do not exceed one-third of the whole number of towns or districts in the county, the board of equalization may estimate the valuation in the towns or districts from which returns have not been received, and may equalize the total valuation as in other cases. In cases where the defaulting towns or districts exceed in number one-third of the whole number of towns or districts in the county, and in all cases of failure on the part of any county clerk to furnish the proper returns of the assessment of his county to the auditor prior to or during the meeting of the board of equalization, in each year, said board may, by order, authorize the auditor to equalize the assessment of such county when full returns have been received by him. Partial returns.

§ 114. When said board shall have completed its equalization of assessments, for any year, the chairman and secretary shall certify to the auditor the rates finally determined Board to certify to auditor.

by said board to be added to or deducted from the listed or assessed valuation of each class of property in the several counties, and also the amounts assessed by said board; and it shall be the duty of said auditor, under his seal of office, to report the action of the board to the several county clerks, immediately after the adjournment of said board.

Proceedings o
be published,

§ 115. A report of the proceedings of said board of equalization shall be published annually, in pamphlet form, and five thousand copies thereof printed, of which number each member shall be entitled to fifty copies, the auditor to five hundred copies, and the remainder thereof shall be distributed by the secretary of state to the several counties, in the proportion usual in similar cases. Said distribution shall be made by mail or express, immediately upon the receipt of said report from the public printer, the cost of such distribution to be paid by the secretary of state out of the appropriation for incidental expenses.

Pay of mem-
bers, allowance
for stationery,
etc.

§ 116. The secretary of state shall furnish such printing, fuel, lights and rooms as may be necessary for the transaction of the business of said board. Each member of said board shall receive for his services the sum of five dollars per day during its sessions, and ten cents per mile for each mile necessarily traveled in going to and returning from the seat of government, to be computed by the auditor of public accounts, and no other allowance or emolument, directly or indirectly, for any purpose whatever, except the sum of ten dollars per session to each member, which shall be in full for postage, stationery, newspapers, and all other incidentals and perquisites. The pay and mileage allowed to each member of said board, and the pay allowed to its secretary and employees shall be certified by the chairman of the board to the auditor of public accounts, who shall issue his warrants on the state treasurer therefor. Said board may employ one page, at two dollars per day; two secretaries, at five dollars per day each; and one janitor or doorkeeper, at three dollars per day. Two-thirds of the whole number of members shall constitute a quorum, and said board may adjourn from time to time until the business before it is disposed of.

RATES OF TAXATION.

Rates of taxa-
tion.

§ 117. All rates for taxes, hereinafter provided for, shall be extended by the county clerk on the assessed valuation of property, as equalized and assessed by the state board of equalization.

FOR STATE PURPOSES.

For state pur-
poses, rate per
cent.

§ 118. The governor, auditor and treasurer shall, annually, on the completion of the assessment and equaliza-

tion of property, ascertain the rate per cent. required to produce the amount of taxes levied by the general assembly.

§ 119. There shall be annually assessed and collected, at the same time and in the same manner as other state taxes, such rate of tax on the equalized valuation of the property of this state, as is or may be provided by the laws concerning free schools, which tax shall be denominated the "State school tax," and the moneys arising therefrom be distributed in such manner as is or may be provided by the laws of this state concerning free schools; and no part of the fund raised by the aforesaid tax shall be diverted to or used for any other purpose than the support and maintenance of free schools in this state. State school tax.

§ 120. The auditor shall, annually, compute and certify to the county clerks such separate rates per cent. as will produce the net amounts of state taxes authorized to be levied— Auditor to compute rates per cent.

First—For revenue purposes, to be designated "Revenue fund."

Second—For interest purposes, to be designated "Interest fund."

Third—For state school purposes, to be designated "State school fund."

Fourth—For such other taxes as may be required by law to be levied by him.

The "Interest fund" tax shall be levied so long only as the same may be necessary, and shall be applied to the payment of interest only.

FOR COUNTY PURPOSES.

§ 121. The county board of the respective counties shall, annually, at the September session, determine the amounts of all taxes to be raised for county purposes, the aggregate amount of which shall not exceed the rate of seventy-five cents on the one hundred dollars' valuation of property, except for payment of indebtedness existing at the adoption of the present state constitution, unless authorized by a vote of the people of the county. When for several purposes, the amount for each purpose shall be stated separately. For county purposes.

FOR ALL OTHER PURPOSES.

§ 122. The proper authorities of towns, townships, districts, and incorporated cities, towns and villages, shall, annually, on or before the second Tuesday in August, certify to the county clerk the several amounts which they require to be raised by taxation. For all other purposes.

COLLECTORS' BOOKS—EXTENDING RATES.

Collectors' books.

§ 123. The county clerk shall, annually, make out for the use of collectors, in books to be furnished by the county, correct lists of taxable property, as assessed and equalized.

Congressional townships, or organized townships.

§ 124. In counties not under township organization, such book shall be made up by congressional townships—but parts or fractional townships, less than full townships, may be added to full townships, at the discretion of the county board. In counties under township organization, said books shall be made to correspond with the organized townships. Separate books may be made for the collection of all taxes within the corporate limits of cities, towns and villages. This section shall not be construed to interfere with the tax book provided for in this act, for the use of county collectors, for collecting all taxes charged against railroad property and the capital stock of telegraph companies.

Books to be ruled for collectors.

§ 125. The respective county clerks shall cause the collectors' books to be properly ruled for the several classes of property, providing for each class three columns for values—the first to show the assessed valuation; the second to show the valuation as corrected and equalized by the county board; and the third, to show the valuation as equalized or assessed by the state board of equalization. Said books to contain proper columns for the extension of the several kinds of taxes, and other purposes.

Rates of deduction.

§ 126. Said clerks shall extend the rates of addition or deduction ordered by the county board and state board of equalization, in the several columns provided for that purpose. The rates per cent. ordered by the state board of equalization shall be extended on the assessed valuation of property, as corrected and equalized by the county board—except, that in the case of railroad property denominated "railroad track" and "rolling stock," said rates shall be extended on the listed valuations of such designated property. In all cases of extension of valuations, where the equalized valuation shall happen to be fractional, the clerk shall reject all such fractions as may fall below fifty cents; fractions of fifty cents or more shall be extended as one dollar.

County clerk to determine rate per cent.

§ 127. The said clerks shall estimate and determine the rate per cent. upon the proper valuation of property in the respective towns, townships, districts and incorporated cities, towns and villages in their counties, that will produce, within the proper divisions of such counties, not less than the net amount of the several sums that shall be required by the county board, or certified to them according to law.

§ 128. All state and county taxes shall be extended by the respective county clerks upon the property in their counties, upon the valuation produced by the equalization and assessment of property by the state board of equalization. Town, district, village, city and other taxes, shall also be extended against such assessed and equalized valuation of property within their respective jurisdictions. In the extension of taxes, the fraction of a cent shall be extended as one cent.

County clerks
to extend taxes.

§ 129. In all cases, where any real property has heretofore been or may hereafter be forfeited to the state for taxes, it shall be the duty of the clerk, when he is making up the amount of tax due on such real property for the current year, to add the amount of back tax, interest, penalty and printers' fees remaining due on such real property, with one year's interest at ten per cent. on the amount of tax due, to the tax of the current year, and the aggregate amount so added together shall be collected in like manner as the tax on other real property for that year may be collected: *Provided*, that the county clerk shall first carefully examine said list, and strike therefrom all errors, and otherwise make such corrections as may be necessary with respect to such property or tax.

Forfeited prop-
erty.

§ 130. When the books or lists for the collectors are completed, the county clerk shall make a complete statement of the assessment and taxes charged, on blanks, and in conformity to instructions furnished to him by the auditor. The clerk shall record said statement, and forward it, properly certified, to said auditor.

Statement of
taxes charged,
to be recorded.

§ 131. It shall be the duty of the county clerk to make, in each collector's book, a certificate of the rate of deduction or addition determined by the state board of equalization in the county to which such books shall pertain; and, also, the rate of addition or deduction determined by the county board in the town, district, city or village to which such book shall pertain.

Certificate of
deductions and
additions.

§ 132. To each collector's book, a warrant, under the hand and official seal of the county clerk, shall be annexed, commanding the collector to collect from the several persons named in said book, the several sums entered in the column of totals, opposite their respective names. The warrant shall direct the collector to pay over the several kinds of taxes that may be collected by him, to the respective officers entitled thereto, less the compensation for collection allowed him by law.

Warrant for
collection.

QUALIFICATION OF TOWN AND DISTRICT COLLECTORS.

§ 133. Every town or district collector, before he enters upon the duties of his office, and within eight days after he receives notice of the amount of taxes to be collected by him,

Qualification
of collectors.

shall execute a bond, with two or more securities, to be approved by the county board, or supervisor and town clerk of his town, as the case may require, in double the amount of such taxes, conditioned for the faithful execution of his duties as such collector. Signatures to such bond, signed with a mark, shall be witnessed, but in no other case shall witness be required. Said bond shall be substantially in the following form, to-wit:

Know all men by these presents, that we, A B, of the of, in the county of, in the state of Illinois, as town (or district) collector, and C D and E F, of the said county and state, as securities, are held and firmly bound unto the People of the State of Illinois, in the penal sum of, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents. Signed and sealed, this. . . . day of, A. D. 18...

The condition of the foregoing bond is such, that if the above bound A B shall perform all the duties required to be performed by him, as collector of the taxes for the year 18.., in the town (or district) of, in the county of, Illinois, in the time and manner prescribed by law, and, when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and moneys appertaining to his said office, then the foregoing bond to be void: otherwise to remain in full force.

A B, [SEAL.]
C D, [SEAL.]
E F, [SEAL.]

He shall also take and subscribe an oath, to be indorsed on the back of the bond, substantially as follows:

I do solemnly swear that I will support the constitution of the United States and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of town (or district) collector, according to the best of my ability.

Bond of collector.

§ 134. The chairman of the county board (or town supervisor, as the case may require,) shall, within six days thereafter, file such bond, with such approval indorsed thereon, in the office of the recorder, who shall record the same, including the oath, in a separate book to be provided for the purpose, and when recorded, shall be filed in the office of the county clerk by the recorder. Said bond, when so filed for record, shall be a lien against the real estate of such town or district collector, until he shall have complied with the conditions thereof.

DELIVERY OF COLLECTORS' BOOKS.—WARRANTS.

Delivery of collectors' books.

§ 135. The respective county clerks shall, on or before, or within ten days after the first day of December, annually, or as soon thereafter as the collectors are duly qualified, deliver to them the books for the collection of taxes; and it shall be the duty of the collectors, within such time, or as soon thereafter as they are qualified, to call at the clerk's office and receive said books. The tax book, provided for collecting all taxes charged against railroad property, and the capital stock of telegraph companies, shall be delivered to the county collector, within the same time, annually, or as soon thereafter as he is qualified. If the books

for the collection of taxes are not completed and ready for delivery to the collectors at the time herein specified, they shall be delivered as soon as they are completed.

§ 135. To each town or district collector's book a warrant, under the hand of the county clerk and seal of his office, shall be annexed, commanding such town or district collector to collect from the several persons named in said town or district collector's book, the several sums of taxes therein charged, opposite their respective names. Warrant annexed to book.

§ 137. In all cases the warrant shall authorize the town or district collector, in case any person named in such collector's book shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person; and it shall require all payments therein specified to be made by such town or district collector on or before the first day of February next ensuing. To levy by distress and sale.

§ 138. The warrant shall direct the town or district collector, after deducting the compensation to which he may be legally entitled, to pay over to the proper officers the amount of tax collected for the support of highways and bridges, and to the supervisor of the town the moneys which shall have been collected therein, to defray town expenses; to the proper school officers, the district school tax; to the city or incorporated town or village treasurer, or other proper officer, the taxes or special assessments collected by him for such city or incorporated town or village, or others, as often and at such times as may be demanded by the proper officer; and to the county collector, the county tax and the taxes payable to the state treasury collected by him. Collectors to pay over funds.

§ 139. On the delivery of the tax books to the town or district collectors, the clerk shall make a certified statement setting forth the name of each town or district collector, the amount of taxes to be collected and paid over for each purpose for which the tax is levied in each of the several towns or districts, cities and villages, and furnish the same to the county collector. Clerk to make certified statement.

APPOINTMENT OF COLLECTORS IN COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.

§ 140. Each county in this state, not under township organization, shall be a collection district, for the purposes of this act; and the sheriffs of such counties shall be, respectively, *ex-officio*, district collectors of such collection districts. Sheriffs to be collectors.

VACANCIES AND RESIGNATIONS.

§ 141. If any town or district collector in this state shall refuse to serve, or shall die, resign or remove out of the county, district or town for which he was elected or appointed, or the office becomes vacated in any other way, be- Appointment of collectors.

fore he shall have entered upon or completed the duties of his office, or shall in any way be prevented from completing the same, the county or town board, as the case may require, shall forthwith appoint a collector for the remainder of the year, who shall give the like security and be subject to the like penalties, and have the same power and compensation as the town or district collector in whose place he was appointed, and the county collector shall forthwith be notified of such appointment. Such appointment shall not exonerate the former town collector or his securities from any liability incurred by him or them. No resignation of a town or district collector shall be accepted, unless sufficient cause is shown, nor shall the person resigning be re-appointed to complete the collections in the same or any other town or district in the county.

Collections by
former collector

§ 142. The town or district collector so appointed shall keep an account of all collections made by the former collector, so far as he can ascertain the same, and when any one shall present a receipt for taxes paid to the former collector, he shall mark against the amount of such taxes to whom and when paid.

Extension of
time for collec-
tion.

§ 143. In case of such appointment, the chairman of the county board or the supervisor of the town, may extend the time for the collection of taxes, for a period not exceeding twenty days, of which extension the county collector shall be notified.

TREASURER EX-OFFICIO COLLECTOR.

Treasurers and
sheriffs ex-of-
ficio collectors.

§ 144. The treasurers of counties under township organization and the sheriffs of counties not under township organization, shall be *ex-officio* county collectors of their respective counties.

Oath and bond
of collector.

§ 145. Said collector shall, on or before the first day of December, annually, or as soon as he is elected and qualified, and before he enters upon the duties of his office as collector, execute a bond, in addition to his bond as treasurer, in a penal sum of at least double the amount of state taxes to be collected in the year next thereafter, with two or more securities, who shall be residents of the said county, and owners of real estate located within this state, equal in value to the amount specified in the bond; which amount shall be determined, and which bond shall be approved by the county board. Each name shall be recited, in full, in the body of the bond. The signatures to such bond, signed by a mark, shall be witnessed, but in no other case shall witness be required. Such bond shall be substantially in the following form, to-wit:

Know all men by these presents, that we, A B, collector, and C D and E F, securities, all of the county of, and state of Illinois, are held and firmly bound unto the People of the State of Illinois, in the penal sum of

dollars, for the payment of which, well and truly to be made, we bind ourselves, each of us, our heirs, executors and administrators, firmly by these presents.

Signed and sealed, this day of, 18..

The condition of the foregoing bond is such that if the above bound A B shall perform all the duties required to be performed by him as collector of the taxes for the year 18.., in the county of, in the state of Illinois, in the time and manner prescribed by law, and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and moneys appertaining to his said office, then the foregoing bond to be void: otherwise to remain in full force.

A B, [SEAL.]
C D, [SEAL.]
E F, [SEAL.]

He shall also take and subscribe an oath, to be indorsed on the back of the bond, substantially as follows:

I do solemnly swear that I will support the constitution of the United States and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of county collector according to the best of my ability.

§ 146. The collector's bond shall be approved by the county board, and shall be recorded on the records of said board, and forthwith mailed to the auditor, by the county clerk. Said clerk shall attach his certificate to said bond, under the seal of his office, showing that it has been duly approved and recorded. Said bond, when approved and recorded, shall be a lien against the real estate of such collector until he shall have complied with the conditions thereof.

County board to approve bond.

§ 147. The chairman of the county board, the county judge and the county clerk shall have power and authority to approve the bond of the county collector in like manner as the county board has to approve said collector's bond; and said bond, when so approved, shall be subject to the several provisions of this act, the same as if approved by said board.

Chairman of county board and county judge to approve bond

§ 148. The collector's bond, when received by the auditor, and if found to be made in conformity to law, and the securities satisfactory, shall be filed in his office and the fact thereof certified to the county clerk. If the auditor finds said bond to be not in accordance with law, or if he has reason to doubt the sufficiency of the surety, he shall return the bond to the county clerk, who shall notify the collector to make a sufficient bond. If a new bond is required, it shall be approved and recorded and subject to the requirements of this section, the same as the first bond given by the collector. No tax books or lists shall be placed in the hands of the county collector until the auditor's certificate, under the seal of his office, has been received by the county clerk, showing that the collector's bond has been received and filed in the auditor's office. Nothing in this section shall be construed as relieving the securities of a collector from liabilities incurred under a bond not approved and filed by the auditor.

Bond to be filed in auditor's office.

§ 149. The securities on any bond given in pursuance of this act, or either of them, may at any time after the execution of said bond, if they, or either of them, have good

Securities on bond.

reason to believe that the officer in said bond is about to fail to comply with the conditions thereof, file with the county clerk a notice in writing, verified under oath, by the person asking to be discharged, setting forth the facts in the case, and asking to be released from any further liability on said bond; whereupon the clerk, with whom such notice shall be filed, shall notify the said officer to give additional security, equal to the security about to be released by the county board, which notice may be served by the said clerk, or by any person appointed by said board or clerk. If the officer so notified shall not appear and give additional security within two days after notification, the county board may remove him from office; and in all such cases said board shall appoint some person to fill the vacancy occasioned by such removal, who shall execute bond, qualify and perform the duties required as such officer.

Improper use
of funds.

§ 150. If the securities on any collector's bond, or either of them, shall be satisfied that such collector is making improper use of the funds collected by him, or has absconded, or is about to abscond, from this state, whereby said securities may become liable to pay any sum or sums of money, it shall be lawful for said security to sue out a writ of attachment against the goods and chattels of such collector in like manner as he would be authorized to do if said collector was personally indebted to such security; and the money collected on any such attachment shall be paid into the state, county, town or city treasury, by the officer collecting the same, in like manner as if paid over by the collector.

Death of co.
collector.

§ 151. In case of the death of any county collector during the time the tax books are in his hands, and before the time specified in this act for making settlements, the county clerk shall demand and take charge of the tax books. Said clerk shall appoint one or more competent persons to examine said tax books; and it shall be the duty of the persons so appointed to ascertain the amount remaining uncollected, and make out a correct abstract of the same: *Provided*, that should there be but a small portion of the taxes collected at the time of the death of the collector, then the amount actually collected shall be ascertained, and the same books used in completing the collections.

Collectors may
app't deputies.

§ 152. Collectors may appoint deputies by an instrument in writing, duly signed, and may also revoke any such appointment at their pleasure; and may require bonds or other securities from such deputies, to secure themselves. And each such deputy shall have like authority, in every respect, to collect the taxes levied or assessed within the portion of the county, town, district, village or city assigned to him, which by this act is vested in the collector himself; but each collector shall, in every respect, be responsible to the state, county, towns, villages, cities, districts and individuals, companies or corporations, as the case may be, for

all moneys collected and for every act done by any of his deputies, whilst acting as such, and for any omission of duty of such deputy. Any bond or security taken from a deputy, by a collector, pursuant to this act, shall be available to such collector, his representatives and securities, to indemnify them for any loss or damage accruing from any act of such deputy.

§ 153. The county clerk, on being requested by any collector, shall attach a warrant, under his hand and the seal of his office, to any list furnished by such collector to his deputy, which warrant shall be in the same manner and form as is required to the original collector's list or book, except that the amount collected by such deputy shall be paid to the collector, who shall pay the same over to the proper officer or persons.

Warrant to collector's lists.

MANNER IN WHICH TAXES ARE TO BE COLLECTED.

§ 154. The county revenue shall be collected in gold and silver coin, United States legal tender notes, current national bank notes, county orders and jury certificates, and in no other currency. The revenue for state purposes shall be collected in gold and silver coin, United States legal tender notes, current national bank notes and auditor's warrants, and in no other currency. State taxes levied for any special purpose, other than to defray the ordinary expenses of the state government, shall be collected in gold and silver coin, United States legal tender notes, current national bank notes, and in no other currency. All other taxes shall be collected in gold and silver coin, United States legal tender notes, and in current national bank notes, and in no other currency, unless otherwise specially provided for.

Currency in which taxes may be paid.

§ 155. Every town or district collector, upon receiving the tax book or books, shall proceed to collect the taxes therein mentioned, and for that purpose shall call at least once on the person taxed, or at his place of residence or business, if in the town or district of such collector, and shall demand payment of the taxes charged to him on his property.

Manner of collecting taxes.

§ 156. In case any person, company or corporation shall refuse or neglect to pay the taxes imposed on him or them, when demanded, it shall be the duty of the collector to levy the same, together with the costs and charges that may accrue, by distress and sale of the personal property of the person, company or corporation who ought to pay the same.

Refusal to pay taxes.

§ 157. The collector shall give public notice of the time and place of sale, and of the property to be sold, with the name of the delinquent, at least five days previous to the day of sale, by advertisements, to be posted up in at least three public places, in the town or district where such sale is to be made. Such sale shall be by public auction, and,

Public notice of sale.

if practicable, no more property shall be sold than sufficient to pay the tax, costs and charges due. If the property distrained shall be sold for more than the amount of the taxes and charges due, the surplus shall be returned to the person in whose possession such property was when the distress was made, if no claim be made to such surplus by any other person. If any other person shall claim such surplus, on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the same was distrained, the surplus shall be paid to such owner.

In case of removal of owner.

§ 158. In case any person against whom a tax shall be assessed, under the provisions of this act, shall have removed from one town or district to another town or district in the same county without paying such tax, it shall be lawful for the collector having the tax books in which such tax is charged, to levy and collect such tax of the goods and chattels of the person assessed, in any town or district within said county to which such person shall have removed, or from property of such person wherever the same may be found, in said county.

Rules for levying and selling property.

§ 159. In levying on and selling personal property for taxes, the collector shall be governed by the same rules, and be entitled to the same fees as constables are or may be for like services on executions; but in no case shall any collector charge mileage, unless he is compelled to distraint property.

Distrain and sale of property.

§ 160. In case any person against whom taxes have been levied, under the revenue laws of this state, in any county, town, city or district of this state, shall have removed from such county, town, city or district, after such assessment has been made, and before the collection of the same, the county clerk, when directed by the county board, shall issue a warrant under his hand and seal of office, directed to any sheriff, coroner or constable of the county, town, city or district to which such person may have removed, commanding such officer to whom the warrant may be directed to make the amount of such tax, together with the costs and charges that may accrue, from the personal property of the person owing such tax—distrain and sale of property under this section to be in the same manner as provided in this act for other cases of distrain and sale of personal property. The taxes which may be collected under this section shall be disposed of in the manner required by this act with respect to taxes collected in any other manner. All other parts of this act providing for cases of failure of officers to pay over taxes, shall apply to all officers collecting taxes under this section, who fail to pay over and correctly account at the proper time and manner for the taxes collected by them.

Collector to levy after final settlement.

§ 161. The power to levy and collect tax shall continue in the county collector after his return and final settlement,

until the tax is paid. If personal property of any person who may have been returned by the collector as being insolvent or having removed, be afterwards found in the county, the county clerk shall have power to issue process to the sheriff or any constable of his county for the collection of the taxes due from such person, together with the costs and charges that may accrue; and when collected, such taxes shall be paid to the county collector and charged to him the same as other taxes are required to be charged to him by this act, and to be by him accounted for in like manner as such other taxes.

§ 162. The collectors shall receive taxes on part of any lot, piece or parcel of land charged with taxes, when a particular specification of the part is furnished. If the tax on the remainder of such lot or parcel of land shall remain unpaid, the collector shall enter such specification in his return, so that the part on which the tax remains unpaid may be clearly known. The tax may be paid on an undivided share of real estate. In such case the collector shall designate on his record upon whose undivided share the tax has been paid. Taxes on part may be received

§ 163. Whenever any person shall pay the taxes charged on any property, the collector shall enter such payment in his book, and give a receipt therefor, specifying for whom paid, the amount paid, what year paid for, and the property and value thereof on which the same was paid, according to its description in the collector's book, in whole or in part of such description, as the case may be; and such entry and receipt shall bear the genuine signature of the collector or his deputy receiving such payment; and whenever it shall appear that any receipt for the payment of taxes shall be lost or destroyed, the entry so made may be read in evidence in lieu thereof. The collector shall enter the name of the owner or of the person paying tax, opposite each tract or lot of land when he collects the tax thereon, and the post office address of the person paying said tax. Receipts for taxes.

SWORN STATEMENTS OF COLLECTIONS TO BE MADE—PAYMENTS.

§ 164. Town and district collectors shall, every twenty days, render to the proper authorities of incorporated towns, cities and villages, for which any tax is collected, a sworn statement of the amount of each kind of tax collected for the same, and at the same time pay over to such authorities the amount so shown to be collected. Sworn statements of collections.

§ 165. Such town and district collectors shall, every thirty days, render a similar account of the taxes payable to the state treasury, and of the county taxes, to the county collector, and at the same time pay over the amount of such taxes to said county collector. Statements of taxes to be rendered.

Collectors to
pay over taxes.

§ 166. Said town and district collectors shall pay over the town, road, school and other local taxes, as may be directed in the warrant attached to the collector's book.

Final settle-
ments.

§ 167. Each town and district collector shall make final settlement for the township, district, city, village and town taxes, charged in the tax books, at or before the time fixed in this act for paying over and making final settlement for state and county taxes collected by them. In such settlements, said collectors shall be entitled to credit for the amount of their commissions on the amount collected, and for the amount uncollected on the tax books, as may be determined by the settlement with the county collector.

Duplicate re-
ceipts for mon-
eys.

§ 168. The officer to whom any such moneys may be paid, under the preceding sections, shall deliver to the collector duplicate receipts therefor.

RETURN OF TOWN AND DISTRICT COLLECTORS TO THE COUNTY COLLECTOR.

Return of dis-
trict collectors
to the county
collector.

§ 169. Town and district collectors shall return the tax books, and make final settlement for the amount of taxes placed in their hands for collection, on or before the first day of February next after receiving the tax book: *Provided*, that the county collector may first notify, in writing, the several town or district collectors upon what day, within twenty days after the first day of February, they shall appear at his office to make final settlement.

Failure to col-
lect tax.

§ 170. If a town or district collector shall be unable to collect any tax on personal property charged in the tax book, by reason of the removal or insolvency of the person to whom such tax is charged, or on account of any error in the tax book, he shall, at the time of his final settlement with the county collector, make out and file with such collector a statement, in writing showing in detail the name of each person charged with such tax, the value of the property, and the amount of each kind of tax so charged, and the cause of delinquency in each and every case, and shall make oath that the cause of delinquency or error stated in such statement, opposite the name of each delinquent therein named, is true and correct; that the sums mentioned therein remain unpaid, and that he has used due diligence to collect the same—which affidavit shall be signed by the town or district collector.

Town collec-
tors' statements
as vouchers.

§ 171. Upon the filing of said list, the county collector shall allow the town or district collector credit for the amount of taxes therein stated, and shall credit the same to the several funds for which said tax was charged. When the county collector makes settlement with the county board, such statements shall be sufficient voucher to entitle him to credit for the amount therein stated, less such amount thereof, if any, that may have been collected by him. In

no case shall any town or district collector, or county collector, be entitled to abatements for personal property tax until the statement and affidavit are filed.

§ 172. Each town or district collector shall, at the same time, make out and deliver to the county collector a list of the real estate in his town or district on which the taxes remain due and unpaid, describing the same as in tax books, giving the name of the person to whom listed, and the amount of each kind of tax charged thereon, and shall swear to the correctness of such list, and that the taxes therein set forth remain due and unpaid—which affidavit shall be attached to such list. List of unpaid taxes.

§ 173. Each town or district collector shall particularly note, in his returns to the county collector, all cases of personal property tax that he was unable to collect, which can be made from real estate of the persons owing such tax. Unpaid taxes which can be made from other real estate.

§ 174. If the town or district collector shall fail to appear and make final settlement, or pay over the amount in his hands, when required in this act, the county collector shall forthwith cause the bond of such collector to be put in suit, and recovery may be had thereon for the sum due, for all taxes and special assessments, and twenty-five per cent. thereon as damages, with costs of suit. Failure to make final settlement.

§ 175. Upon the final settlement of the amount of taxes directed to be collected by any collector, in any of the towns or districts in this state, the county collector shall, if requested, give to such collector, or any of his securities, a satisfaction piece in writing. County collector to give satisfaction piece.

§ 176. Such satisfaction piece may be recorded in the recorder's office, and when so recorded shall operate as a discharge of the securities and the lien upon the property of the collector, except as to all suits commenced upon such bond within three years after the recording of the same. Satisfaction piece may be recorded.

§ 177. All real estate upon which the taxes remain due and unpaid on the first day of February, annually, or at the time the town or district collector makes return of his books to the county collector, shall be deemed delinquent. Delinquent taxes.

RETURN OF DELINQUENT SPECIAL ASSESSMENTS.

§ 178. When any special assessment made by any city, town or village, pursuant to its charter, or by any corporate authorities, commissioners or persons, pursuant to law, remain unpaid in whole or in part, return thereof shall be made to the county collector, on or before the first day of February next after the same shall have become payable, in like form as returns are made for delinquent land tax. County collectors shall collect, account for, and pay over the same to the authorities or persons having authority to receive the same, in like manner as he is required to collect, account for and pay over taxes. The county collector Return of delinquent special assessments.

may, upon return of delinquent special assessments to him, transfer the amounts thereof from such returns to the tax books in his hands, setting down therein, opposite the respective tracts or lots, in proper columns to be prepared for that purpose, the amounts assessed against such tract or lot.

Demand for
special assess-
ment.

§ 179. When any special assessment is returned against property, the taxes upon which shall have been paid to the town or district collector, it shall be the duty of the county collector to cause demand to be made for the payment of such special assessment, or a notice thereof to be sent by mail, or otherwise, to the owner, if his place of residence is known. The certificate of a collector that such demand was made, or notice given, shall be evidence thereof.

Collector to
note taxes in
receipt.

§ 180. On the application of any person to pay any tax or special assessment upon any real property, it shall be the duty of the county collector to make out to such person a receipt, in which shall be noted all taxes and assessments upon such property, returned to such collector and not previously paid.

County collec-
tors' powers.

§ 181. County collectors shall have the same power, and may proceed in the same manner for the collection of any tax on real or personal property, as is or may be given to town or district collectors.

ADVERTISEMENT FOR JUDGMENT AND SALE.

Advertisement
for judgment
and sale.

§ 182. At any time after the first day of April next after such delinquent taxes and special assessments on lands and lots shall become due, the collector shall publish an advertisement, giving notice of the intended application for judgment for sale of such delinquent lands and lots, in a newspaper published in his county, if any such there be, and if there be no such paper printed in his county, then in the nearest newspaper in this state to the county seat of such county. Said advertisement shall be once published at least three weeks previous to the term of the county court at which judgment is prayed, and shall contain a list of the delinquent lands and lots upon which the taxes or special assessments remain due and unpaid, the names of owners, if known, the total amount due thereon, and the year or years for which the same are due. Said collector shall give notice that he will apply to the county court, at the . . . term thereof, for judgment against said lands and lots for said taxes, special assessments, interest and costs, and for an order to sell said lands and lots for the satisfaction thereof; and shall also give notice that, on the fourth Monday next succeeding the day fixed by law for the commencement of such term of the said county court, all the lands and lots, for the sale of which an order shall be made, will be exposed to public sale at the building where the county court is held in said county, for the amount of taxes, special as-

assessments, interest and costs due thereon; and the advertisement published according to the provisions of this section shall be deemed to be sufficient notice of the intended application for judgment and of the sale of lands and lots under the order of said court. Where the publisher of any paper that may have been selected by the collector shall be unable or unwilling to publish such advertisement, the collector shall select some other newspaper, having due regard to the circulation of such paper.

§ 183. When it becomes necessary to charge the tax on personal property against real property, the county collector shall select for that purpose some particular tract or lots of real property owned by the person owing such personal property tax; and in his advertisement for judgment and sale, shall designate the particular tract or lots of real property against which such personal property tax is charged, and in the list filed for judgment, the same facts shall be shown, and the court shall take cognizance thereof, and give judgment against such tract or lots of real property, for such personal property tax. Transfer of tax.

§ 184. In all advertisements for the sale of lands and lots for taxes or special assessments, and in entries required to be made by the clerk of the court or other officer, letters, figures and characters may be used to denote townships, ranges, sections, parts of sections, lots or blocks, or parts thereof, the year or the years for which the taxes were due, and the amount of taxes, special assessments, interest and costs; and the whole of the advertisement shall be contained in one edition of such newspaper and its supplement, if such supplement is necessary: *Provided*, that nothing contained in this section shall prevent the county collector from subsequently advertising and obtaining judgment on lands or lots that may have been omitted through no fault of the collector, or that may have been erroneously advertised or described in the first advertisement. Letters and figures.

§ 185. All applications for judgment and order of sale for taxes and special assessments on delinquent lands and lots, shall be made at the May term of the county court. If, for any cause, the court shall not be holden at the term at which judgment is prayed, the cause shall stand continued; and it shall not be necessary to re-advertise the list or notice required by law to be advertised, before judgment and sale, but at the next regular term thereafter the court shall hear and determine the matter; and if judgment is rendered, the sale shall be made on the fourth Monday after the first day of the term at which judgment is rendered. If, for any cause, the collector is prevented from advertising and obtaining judgment at said term, it shall be held to be legal to obtain judgment at any subsequent regular term of said court; but if the failure arises by the county collector's not complying with any of the requirements of this act, he shall Application for judgment.

be held on his official bond for the full amount of all taxes and special assessments charged against him.

Publisher of
delinquent lists.

§ 186. The printer, publisher, or financial officer or agent of the newspaper publishing the list of delinquent lands and lots shall transmit, by mail or other safe conveyance, to the collector, four copies of the paper containing said list, to one of which copies he shall attach his certificate, under oath, of the due publication of the delinquent list for the time required by law (which copy shall be presented by the collector to the county court at the time judgment is prayed), and said copy shall be filed as part of the records of said court. Upon receipt of said papers, and on demand being made, the collector shall pay to the printer the amount of the fees allowed by law for publishing said list and notice; and it shall be his duty to file one copy of said paper in his office, and deliver one copy to the auditor, and one copy to the state treasurer, who shall file and safely preserve them in their respective offices.

Error in ad-
vertised list.

§ 187. In all cases where there is an error in the advertised list, the fault thereof being the printer's, which prevents judgment from being obtained against any tracts or lots, or against all of said delinquent list, at the time stated in the advertisement that judgment will be applied for, the printer shall lose the compensation allowed by this act, for such erroneous tracts or lots, or entire list, as the case may be.

Collector to
file list of delin-
quent lands.

§ 188. The collector shall file with the county clerk the list of delinquent lands and lots, which shall be made out in numerical order, and contain all the information necessary to be recorded, at least five days before the commencement of the term at which application for judgment is to be made, and said clerk shall receive and record the same in a book to be kept for that purpose; which said book shall set forth the name of the owner, if known, the proper description of the land or lot, the year or years for which the tax or special assessment is due, the valuation upon which the tax is extended, the amount of each kind of tax or special assessments, the costs and total amount charged against such land or lot.

Claimants of
advertised lands

§ 189. Any person owning or claiming lands or lots advertised for sale, as provided in this act, may, in person or by agent, pay the taxes, special assessments, interest, and costs due thereon, to the county collector of the county in which the same are situated, at any time before sale.

Record of de-
linquent lands.

§ 190. On the first day of the term at which judgment on delinquent lands and lots is prayed, it shall be the duty of the collector to report to the clerk all the lands or lots, as the case may be, upon which taxes and special assessments have been paid, if any, from the filing of the list mentioned in the foregoing section, up to that time; and the clerk shall note the fact in the book in which the clerk has recorded the

list, opposite each tract upon which such payments have been made. The collector, assisted by the clerk, shall compare and correct said list, and shall make and subscribe an affidavit, which shall be, as nearly as may be, in the following form :

I,, collector of the county of, do solemnly swear (or affirm, as the case may be), that the foregoing is a true and correct record of the delinquent lands and lots within the county of, upon which I have been unable to collect the taxes (*and special assessments, interest, and printers' fees, if any*), charged thereon, as required by law, for the year or years therein set forth; that said taxes now remain due and unpaid, as I verily believe.

Said affidavit shall be entered on the record at the end of the list, and signed by the collector.

JUDGMENT.

§ 191. The court shall examine said list, and if defense Judgment.
(specifying, in writing, the particular cause of objection) be offered by any person interested in any of said lands or lots, to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without pleadings, and shall pronounce judgment as the right of the case may be. The court shall give judgment for such taxes and special assessments as shall appear to be due, and such judgment shall be considered as a several judgment against each tract or lot, or part of a tract or lot, for each kind of tax or special assessment included therein; and the court shall direct the clerk to make out and enter an order for the sale of such real property against which judgment is given, which shall be substantially in the following form :

Whereas due notice has been given of the intended application for a judgment against said lands and lots, and no sufficient defense having been made, or cause shown why such judgment should not be entered against said lands and lots, for the taxes (*special assessments, if any,*) interest and costs due and unpaid thereon for the year or years herein set forth, therefore it is considered by the court that judgment be and is hereby entered against the aforesaid tract or tracts, or lots of land, or parts or tracts of lots, as the case may be, in favor of the People of the State of Illinois, for the sum annexed to each, being the amount of taxes (*and special assessments, if any,*) interest and costs due severally thereon; and it is ordered by the court that the said several tracts or lots of land, or so much of each of them as shall be sufficient to satisfy the amount of taxes (*and special assessments, if any,*) interest and costs annexed to them severally, be sold as the law directs.

Said order shall be signed by the judge.

§ 192. Appeals from the judgment of the court may be Appeals from
taken, during the same term, to the circuit court of the judgment.
county, on the party praying the appeal giving bond, payable to the People of the State of Illinois, in such sum as the court shall direct, with security, to be approved by the court. Such appeals shall have preference in hearing thereof over all other civil causes.

§ 193. The county board, or proper authorities of any Appeal of
city, village or town, or other authorities or persons to whom county board.
any tax or special assessment is payable, may in like case appeal to the circuit court without giving bond.

SALE OF DELINQUENT LANDS.

Sale of delin-
quent lands.

§ 194. The county clerk shall, before the day of sale, make a record of the lands and lots against which judgment is rendered, which shall set forth the name of the owner, if known, the description of the property, the total amount of judgment on each tract or lot, and the year or years for which the same is due, in the same descriptive order as said property may be set forth in the judgment book, and shall attach thereto a copy of the order of the court, and his certificate that such record is correct. Said record, so attested, shall be the process on which all real property, or any interest therein, shall be sold for taxes or special assessments, as well as the record for the sale of such property.

Taxes paid
after rendition
of judgment.

§ 195. On the day advertised for sale, the collector shall report to the county clerk a list of all lands and lots upon which taxes and special assessments have been paid after the rendition of judgment; and said clerk shall note the fact of such payment opposite such tracts or lots upon the record aforesaid.

County clerk
to attend sales.

§ 196. The county clerk, in person or by deputy, shall attend all sales of real estate for taxes, made by the collector, and shall assist at the same.

Entry of sale
and redemption

§ 197. When any tract or lot shall be sold, it shall be the duty of the clerk to enter on the record aforesaid, the quantity sold and the name of the purchaser, opposite such tract or lot, in the blank columns provided for that purpose; and when any such property shall be redeemed from sale, the clerk shall enter the name of the person redeeming, the date, and amount of redemption, in the proper column.

County to fur-
nish book.

§ 198. The book for such record shall be furnished at the expense of the county, and be so ruled that there shall be suitable blank columns for entering the quantity or portion of each tract or lot that may be sold, the name of the purchaser, and such other columns as may be deemed necessary.

Forfeited
tracts to be no-
ted.

§ 199. All tracts or lots forfeited to the state at such sale, as hereinafter provided, shall be noted on said record.

Sale and re-
demption rec-
ord.

§ 200. Said book shall be known and designated as the "Sale and Redemption Record," and be kept in the office of the county clerk.

Sale of real es-
tate for taxes.

§ 201. The collector, in person or by deputy, shall attend at the court house in his county, on the day specified in the notice for the sale of real estate for taxes, and then and there, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, proceed to offer for sale, separately, and in consecutive order, each tract of land or town or city lot in the said list on which the taxes, special assessments, interest or costs have not been paid. The

sale shall be continued from day to day, until all the tracts or lots in the delinquent list shall be sold or offered for sale.

§ 202. The person at such sale offering to pay the amount due on each tract or lot, for the least quantity thereof, shall be the purchaser of such quantity, which shall be taken from the east side of such tract or lot. Purchaser at such sale.

§ 203. Every tract or lot so offered at public sale, and not sold for want of bidders, shall be forfeited to the state of Illinois. Tracts not sold forfeited.

§ 204. If any collector, by himself or deputy, shall fail to attend any sale of lands or lots advertised according to the provisions of this act, and make sale thereof as required by law, he shall be liable to pay the amount of taxes, special assessments and costs due upon the lands or lots so advertised. Said collector may afterwards advertise and sell such delinquent property to reimburse himself for the amount advanced by him; but at no such sale shall there be any property forfeited to the state. Failure of collector to attend sale.

§ 205. If any county clerk shall fail to attend any tax sale of real estate, either in person or by deputy, or to make and keep the record, as required by this act, he shall forfeit and pay the sum of five hundred dollars, and shall be liable to indictment for such failure, and upon conviction shall be removed from office. Said sum shall be sued for in an action of debt, in the name of the People of the State of Illinois, and when recovered shall be paid into the county treasury. Failure of county clerk to attend sale.

§ 206. The person purchasing any tract or lot, or any part thereof, shall forthwith pay to the collector the amount charged on such tract or lot, and on failure so to do, the said tract or lot shall be again offered for sale in the same manner as if no such sale had been made; and in no case shall the sale be closed until payment is made, or the tract or lot again offered for sale. Purchaser to pay forthwith.

§ 207. The county clerk, on being requested so to do, shall make out and deliver to the purchaser of any lands or lots sold as aforesaid, a certificate of purchase, to be countersigned by the collector, describing the land or lot sold as the same was described in the delinquent list, date of such sale, the amount of taxes, special assessments, interest and costs for which the same was sold, and that payment has been made therefor. If any person shall become the purchaser of more than one tract or lot, he may have the whole or one or more of them included in one certificate. Such certificate of purchase shall be assignable by indorsement, and an assignment thereof shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser. Certificate of purchase.

§ 208. The county clerk is hereby authorized to make an index to tax sale records in a book, when furnished by Index to tax sale record.

the county—which index shall be kept in the county clerk's office as a public record, open to the inspection of all persons during office hours.

CERTIFIED COPY OF SALE LISTS TO BE SENT TO AUDITOR.

Transcript of
sale to be sent
to auditor.

§ 209. The county clerk shall, within twenty days after any sale for taxes, make out and transmit to the auditor a transcript of sales for taxes, which shall be written on foolscap paper, made up and stitched in book form, suitable for binding. The clerk shall certify to the correctness of said transcript, under the seal of his office. Said list shall not include any tracts or lots forfeited to the state at such sale. The county clerk, for failure to make out, furnish or forward said list, as herein required, shall forfeit and pay into the state treasury the sum of five hundred dollars, to be recovered in an action of debt, in the name of the People of the State of Illinois, in any court in this state having competent jurisdiction.

REDEMPTION.

Redemption.

§ 210. Real property sold under the provisions of this act may be redeemed at any time before the expiration of two years from the date of sale, by payment in legal money of the United States, to the county clerk of the proper county, the amount for which the same was sold, and twenty-five per cent. thereon if redeemed at any time before the expiration of six months from the day of sale; if between six and twelve months, fifty per cent.; if between twelve and eighteen months, seventy-five per cent.; and if between eighteen months and two years, one hundred per cent. on the amount for which the same was sold. The person redeeming shall also pay the amount of all taxes and special assessments accruing after such sale, with ten per cent. interest thereon, from the day of payment, unless such subsequent tax or special assessment has been paid by or on behalf of the person for whose benefit the redemption is made, and not by the purchaser at the tax sale, or his assignee. If the real property of any minor, heir, idiot or insane person be sold for non-payment of taxes or special assessments, the same may be redeemed at any time after sale and before the expiration of one year after such disability be removed, upon the terms specified in this section, and the payment of ten per cent. per annum, on double the amount for which the same was sold, from and after the expiration of two years from the date of sale; which redemption may be made by themselves, or by any person in their behalf. Tenants in common or joint tenants shall be allowed to redeem their individual interest in real property sold under the provisions of this act, in the same

manner and under the terms specified in this section for the redemption of other real property. Any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject to the right of the person making the same to be re-imbursed by the person benefited.

§ 211. If any purchaser of real estate, sold for taxes or special assessment, shall suffer the same to be again sold for taxes or special assessment before the expiration of the last day of the second annual sale thereafter, such purchaser shall not be entitled to a deed for such real property until the expiration of a like term from the date of the second sale, during which time the land shall be subject to redemption upon the terms and conditions prescribed in this act, but the person redeeming shall only be required to pay, for the use of such first purchaser, the amount paid by him. The second purchaser shall be entitled to the redemption money, as provided for in the preceding section. Time of redemption.

§ 212. The books and records belonging to the office of the county clerk, or copies thereof, certified by said clerk, shall be deemed *prima facie* evidence to prove the sale of any land or lot for taxes or special assessments, the redemption of the same, or payment of taxes or special assessments thereon. Books and records as evidence.

§ 213. Whenever it shall be made to appear, to the satisfaction of the county clerk, that any tract or lot was sold which was not subject to be taxed, or upon which taxes or special assessments had been paid previous to the sale, he shall make an entry opposite to such tracts or lots in the sale and redemption record that the same was erroneously sold, and such entry shall be *prima facie* evidence of the fact therein stated. Tracts sold when not subject to tax.

§ 214. When the purchaser at such erroneous sale, or any one holding under him, shall have paid any tax or special assessment upon the property so sold, which has not been paid by the owner of the property, he shall have the right to recover from such owner the amount he has so paid, with ten per cent. interest, as money paid for the owner's use. Purchaser may recover taxes paid.

§ 215. The receipt of the redemption money of any tract of land or lot, by any purchaser, or the return of the certificate of purchase for cancellation, shall operate as a release of all the claim to such tract or lot, under or by virtue of the purchase. Release of claim to such purchase.

TAX DEEDS.

§ 216. Hereafter, no purchaser or assignee of such purchaser of any land, town or city lot, at any sale of lands or lots for taxes or special assessments due, either to the state or any county or incorporated town or city within the same, Tax deeds.

or at any sale for taxes or levies authorized by the laws of this state, shall be entitled to a deed for the lands or lots so purchased, until the following conditions have been complied with, to-wit: Such purchaser or assignee shall serve, or cause to be served, a written or printed, or partly written and partly printed notice of such purchase on every person in actual possession or occupancy of such land or lot, and also the person in whose name the same was taxed or specially assessed, if, upon diligent inquiry, he can be found in the county, at least three months before the expiration of the time of redemption on such sale, in which notice he shall state when he purchased the land or lot, in whose name taxed, the description of the land or lot he has purchased, for what year taxed or specially assessed, and when the time of redemption will expire. If no person is in actual possession or occupancy of such land or lot, and the person in whose name the same was taxed or specially assessed, upon diligent inquiry, cannot be found in the county, then such person or his assignee shall publish such notice in some newspaper printed in such county, and if no newspaper is printed in the county, then in the nearest newspaper that is published in this state to the county seat of the county in which such land or lot is situated; which notice shall be inserted three times, the first time not more than five months, and the last time not less than three months before the time of redemption shall expire.

Purchaser to
make affidavit.

§ 217. Every such purchaser or assignee, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of the foregoing section, stating particularly the facts relied on as such compliance, which affidavit shall be delivered to the person authorized by law to execute such tax deed, and which shall by him be filed with the officer having custody of the record of the lands and lots sold for taxes and entries of redemption in the county where such lands or lots shall lie, to be by such officer entered on the records of his office, and carefully preserved among the the files of his office, and which record or affidavit shall be *prima facie* evidence that such notice has been given. Any person swearing falsely in such affidavit, shall be deemed guilty of perjury and punished accordingly.

Publication of
notice.

§ 218. In case any person shall be compelled to publish such notice in a newspaper, then, before any person who may have a right to redeem such lands or lots from such sale shall be permitted to redeem, he shall pay the officer or person who by law is authorized to receive such redemption money, the amount paid for printer's fee for publishing such notice, for the use of the person compelled to publish such notice as aforesaid; the fee for such publication shall not exceed one dollar for each tract or lot contained in such notice.

§ 219. At any time after the expiration of two years Deed after two years. from date of sale of any real estate for taxes or special assessments, if the same shall not have been redeemed, the county clerk, on request, and on the production of the certificate of purchase, and upon compliance with the three preceding sections, shall execute and deliver to the purchaser, his heirs or assigns, a deed of conveyance for the real estate described in such certificate.

§ 220. When any person shall hold more than one certificate of purchase at the same sale, and for the same year's tax or special assessments, the clerk shall, on the request of the holder of such certificates, include as many tracts or lots described therein, in the deed of conveyance, as such person may desire, and for which deed the county clerk shall have a fee of one dollar for each certificate embraced therein. Tracts included in deed of conveyance.

§ 221. The deed, so made by the county clerk, under the official seal of his office, shall be recorded in the same manner as other conveyances of real estate, and shall vest in the grantee, his heirs and assigns, the title of the property therein described. Deed to be recorded.

§ 222. County clerks shall record the evidence upon which deeds are issued, and be entitled to the same fee therefor that may be allowed by law for recording deeds. Evidence to be recorded.

§ 223. The foregoing six sections shall apply to all sales of real estate for taxes heretofore made, as well as to such sales for taxes and special assessments hereafter to be made. Provisions to apply to previous sales.

§ 224. Deeds executed by the county clerk as aforesaid, shall be *prima facie* evidence, in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the real estate thereby conveyed, of the following facts: 1st. That the real estate conveyed was subject to taxation at the time the same was assessed, and had been listed and assessed in the time and manner required by law. 2d. That the taxes or special assessments were not paid at any time before the sale. 3d. That the real estate conveyed had not been redeemed from the sale at the date of the deed. 4th. That the real estate was advertised for sale in the manner and for the length of time required by law. 5th. That the real estate was sold for taxes or special assessments, as stated in the deed. 6th. That the grantee in the deed was the purchaser or assignee of the purchaser. 7th. That the sale was conducted in the manner required by law. Deeds to be prima facie evidence.

§ 225. Unless the holder of the certificate for real estate purchased at any tax sale under this act, takes out the deed as entitled by law, and files the same for record within one year from and after the time for redemption expires, the said certificate or deed, and the sale on which it is based, shall, from and after the expiration of such one year, be absolutely null. If the holder of such certificate shall be pre- Deed to be filed for record within one year.

vented from obtaining such deed by injunction or order of any court, or by the refusal of the clerk to execute the same, the time he is so prevented shall be excluded from the computation of such time. Certificates of purchase and deeds executed by the county clerk shall recite the qualifications required in this section.

FORFEITED PROPERTY.

Record of forfeited property. § 226. Each county clerk shall procure, at the expense of the county, a suitable record book, in which they shall keep a record of the real property forfeited to the state under the provisions of this act. Such book shall be properly ruled and headed, and proper columns provided for the several taxes and charges, redemptions and sales thereof.

Manner of redemption. § 227. If any person shall desire to redeem or purchase any tract of land or lot forfeited to the state, he shall apply to the county clerk, who shall issue his order to the county collector, directing him to receive from such person the amount due on said tract or lot, which shall in no case be less than ten per cent. in addition to the tax, special assessments, interest and printer's fees due thereon, particularly describing the property and setting forth the amount due; and upon presentation of said order to the county collector, he shall receive said amount and give the person duplicate receipts therefor, setting forth a description of the property and the amount received: one of which shall be countersigned by the county clerk, and when so countersigned shall be evidence of the redemption or sale of the property therein described, as the case may be; but no such receipt shall be valid until it is countersigned by the county clerk. The other receipt shall be filed by the county clerk in his office; and said clerk shall make a proper entry of the redemption or sale of the property on the books in his office, and charge the amount of the redemption or sale money to the county collector. In cases of sales, the collector and clerk shall make the receipt in the form of a certificate of purchase. Property purchased under this section shall be subject to redemption, notice, etc., the same as if sold at regular public tax sale.

Clerk to report to auditor amount due the state. § 228. It shall be the duty of the county clerk, annually, when he makes return of the amount of taxes levied, to report to the auditor the amount due the state on account of the redemption and sales of such forfeited property, and said auditor shall charge the same to the collector. If the collector who received said redemption or sale money shall be succeeded in office, he shall pay the amount in his hands over to his successor, who shall pay said amount into the state treasury when he settles for the taxes of the current year.

§ 229. The amount due on lands and lots previously forfeited to the state, and remaining unpaid on the first day of November, shall be added to the tax of the current year, and the amount thereof shall be reported against the county collector with the amount of the taxes for said year; and the amount so charged shall be placed on the tax books, collected and paid over in like manner as other taxes. The county collector is hereby authorized to advertise and sell said property in the manner hereinbefore required by this act, as if said property had never been forfeited to the state. Said additions and sales shall be continued from year to year until the taxes on said property are paid, by sale or otherwise.

Amount due
on lands and
lots forfeited.

§ 230. The county board may at any time institute suit in an action of debt, in the name of the People of the State of Illinois, in any court of competent jurisdiction, for the amount due on forfeited property.

Suit for a
mount due on
forfeited prop-
erty.

FINAL SETTLEMENT OF COUNTY COLLECTOR.

§ 231. On or before the third Monday in June, annually, the county collector shall make out and file with the county clerk a statement in writing, setting forth, in detail, the name of each person charged with personal property tax which he has been unable to collect, by reason of the removal or insolvency of the person charged with such tax, the value of the property, and the amount of tax, the cause of inability to collect such tax, in each separate case, in a column provided in the list for that purpose. Said collector shall, at the same time, make out and file with the county clerk a similar detailed list of errors in assessment of real estate, and errors in footing of tax books, giving in each case a description of the property, the valuation and amount of several taxes and special assessments, and cause of error. The truth of the statements contained in such lists shall be verified by affidavit of the county collector. County collectors, in cases of removals and insolvencies, may give, as the cause of inability to collect, the same cause as sworn to by the town or district collectors, stating in their return the fact that such was the statement made by the town or district collector, and that such tax still remains uncollected.

Final settle-
ment of county
collector.

§ 232. If any lands or lots shall be forfeited to the state for taxes or special assessments, the collector shall be entitled to a credit in his final settlement, for the amount of the several taxes and special assessments thereon—the county to allow the amount of printers' fees thereon, and be entitled to said fees so allowed, when collected.

Credit for for-
feited lands.

§ 233. On the third Monday in June, annually, the county board shall settle with and allow the county collector credit for such allowance as he may be legally entitled to.

Settlement on
the third Mon-
day in June

Collector to
file lists.

§ 234. If there be no session of the county board held at the proper time for settling and adjusting the accounts of the county collector, it shall be the duty of the collector to file the lists with the county clerk, who shall examine said lists and correct the same, if necessary, in like manner as said board is required to do. Said county clerk shall make an accurate computation of the value of the property and the amount of the delinquent tax and special assessments returned, for which the collector is entitled to credit.

Credits to col-
lector on valua-
tion.

§ 235. The county clerk shall immediately, in either case, certify to the auditor of public accounts the valuation of property, and the amount of state taxes due thereon, for which the collector may be allowed credit.

Certificate of
valuation to au-
ditor.

§ 236. The county clerk shall also, at the same time, certify to the several authorities or persons with whom the county collector is to make settlement, showing the valuation of property and amount of taxes and special assessments due thereon allowable to said collector in the settlement of their several accounts.

Auditor to al-
low credits.

§ 237. The auditor and other proper authorities or persons shall, in their final settlements with the collector, allow him credit for the amount so certified: *Provided*, that if the auditor or such other proper authorities or persons shall have reason to believe that the amount stated in said certificate is not correct, or that the allowance was illegally made, he or they shall return the same for correction; and when the same shall appear to be necessary, in the opinion of the auditor or such other proper authorities or persons, he or they shall designate and appoint some competent person to examine the collector's books and settlement, and the person so designated and appointed shall have access to the collector's books and papers, appertaining to such collector's office or settlement, for the purpose of making such examination.

Adjustment
with county
clerk.

§ 238. In all cases when the adjustment is made with the county clerk, the county board shall, at the first session thereafter, examine such settlement, and if found correct shall enter an order to that effect; but if any omission or error is found, said board shall cause the same to be corrected, and a correct statement of the facts in the case forwarded to the auditor and other proper authorities or persons, who shall correct and adjust the collector's accounts accordingly.

PARTIAL SETTLEMENT OF COUNTY COLLECTORS.

Sworn state-
ment of taxes
received.

§ 239. On or before the twenty-eighth day of February, annually, after he has made settlement with town or district collectors, the county collector shall make a sworn statement, showing the total amounts of each kind of tax received by him from town or district collectors, and the total

amount of each collected by himself—which statement shall be filed in the office of the county clerk.

§ 240. The clerk shall immediately, on the receipt of such statement, certify to the auditor and to other proper authorities or persons, the amount for which the collector is required to settle with them, severally. Certificate of clerk to auditor.

§ 241. The county collector shall, on or before the fifth day of March, following, pay over to the state treasurer the taxes in his hands, payable to the state treasury, as shown by such settlement. Collector to pay over taxes to state treasurer.

§ 242. The failure of any county collector to obtain judgment shall not prevent him from presenting his statement of credits, and making settlement for taxes and special assessments in his hands, at the time required by this act; but if, from no fault of the collector, he fail to obtain judgment and sale of delinquent real estate at the time required by this act, shall be allowed, in his settlements, a temporary credit for the amount of taxes and special assessments in such delinquent list, which delinquent taxes and special assessments shall be accounted for and paid immediately after sale is had. Failure of collector to obtain judgment.

§ 243. He shall, within the same time, pay over to the other proper authorities or persons, the amounts so shown to be in his hands, and payable to them. Collector to pay over taxes to other authorities.

§ 244. The county collector shall report and pay over the amount of tax and special assessments, due to towns, districts, cities, villages, corporations and persons, collected by him on delinquent property, at least once in every ten days, when demanded by the proper authorities or persons. Collector to pay over taxes due towns, etc.

§ 245. Any county collector failing to make the reports and payments hereinbefore required, for five days after the time specified for that purpose, or after demand made as aforesaid, the auditor or such other authorities or persons, may bring suit upon the collector's bond. Failure to make reports.

§ 246. If any county collector fails to account and pay over as required in the preceding sections, his office may be declared vacant by the county board, or by any court in which suit is brought on his official bond. Failure to pay over taxes.

FINAL SETTLEMENT OF THE COUNTY COLLECTOR FOR STATE TAXES.

§ 247. The county clerk shall make out and deliver to the county collector, as soon as adjustment is made with the county board or county clerk, annually, the statements, certificates and lists appertaining to the settlement of the accounts of such collector; which statement, certificates and lists shall be made out in proper form, under his seal of office, on blanks which it is hereby made the duty of the auditor to furnish, annually, for that purpose. The collector shall deliver the same at the office of the auditor, and make a final Final settlement for state taxes.

settlement of his accounts, and pay the amount due the state into the state treasury on or before the first day of July next after receiving the tax books.

Clerk to furnish statement to auditor.

§ 248. The county clerk shall furnish a duplicate copy of said statement, duly certified, whenever requested so to do by the auditor. If the statement of credits herein required, or any of the items therein, are objected to by the auditor, he shall return the statement to the county clerk, stating his objections, and said clerk shall examine and correct or explain the same satisfactorily, and return the statement to said auditor.

Overpayments.

§ 249. If any collector shall have paid, or may hereafter pay, into the state treasury, any greater sum or sums of money than are or may be legally and justly due from such collector, after deducting abatements and commissions, the auditor shall issue his warrant for the amount so overpaid, which shall be paid out of the fund or funds so overpaid on said warrant.

Duplicate receipts on settlement.

§ 250. Upon ascertaining the amount due to the state from any collector or other person, the auditor shall give such person a statement of the amount to be paid, and upon the presentation of such statement to the state treasurer, and the payment of the sum stated to be due, the treasurer shall give duplicate receipts therefor, one of which shall be filed in the auditor's office, and entered in a book to be kept for that purpose, and the other shall be countersigned by the auditor and delivered to the person making the payment; and no payment shall be considered as having been made until the treasurer's receipt shall be countersigned by the auditor as aforesaid.

Failure to pay into state treasury.

§ 251. Any collector failing to pay into the state treasury the amount due to the state, on his account for state and other taxes, at the time or times required by this act, shall pay interest at the rate of ten per cent. per annum from the time the same became due under this act until the same is paid; and it shall be the duty of the auditor to charge such interest to the account of every collector failing to pay at the time or times required in this act. In no case shall the auditor be permitted to remit such interest unless satisfactory evidence from the county board is presented to him, showing, by official action taken by such board, lawful cause why the collector could not pay over, in part or in whole, the amount due on such collector's account with the state.

Collector to file auditor's receipt.

§ 252. Upon the final settlement of any account with the state, the auditor shall give the collector duplicate certificates, under his seal of office, setting forth that said collector has settled and paid into the state treasury the full amount due from him on said account; and it shall be the duty of the collector to file one of said certificates in the office of the county clerk, on or before the first day of August

next after receiving the tax books. If any collector shall neglect or refuse to file one of said certificates as above required, the county clerk shall leave a written notice at the office of said collector, requiring him to appear before the county court, at the September term thereof, and show cause why he has not filed the certificate aforesaid; and if the collector shall not show that he has paid over the full amount due from him, and made a final settlement with the state and county, or that he has a lawful excuse for failing to do so, his office as collector and treasurer shall be declared vacant by said court, and the same filled as in other cases of vacancy by reason of death or otherwise.

LIENS OF TAXES.

§ 253. The taxes assessed upon real property shall be a lien thereon from and including the first day of May, in the year in which they are levied, until the same are paid. Lien of taxes on real property

§ 254. The taxes assessed upon personal property shall be a lien upon the personal property of the person assessed, from and after the time the tax books are received by the collector. Lien of taxes on personal property.

§ 255. Personal property shall be liable for taxes levied on real property, and real property shall be liable for taxes levied on personal property; but the tax on personal property shall not be charged against real property, except in cases of removals, or where said tax cannot be made out of the personal property; but the tax on real property may be made out of personal property, at any time after the tax becomes due, by any collector having the tax books in his hands, by distraint and sale, in the manner provided in this act: *Provided*, that judgment against real property, for non-payment of taxes thereon, shall not be prevented by showing that the owner thereof was possessed of personal property subject to distraint; and no person shall be subject to have his personal property distrained and sold for tax on real estate, which may have been listed and assessed in his name, when he makes oath, or otherwise satisfies the collector, that he did not own such real property on the preceding first day of May. Personal property liable for taxes on real property.

§ 256. When property is assessed to any person as agent for another, or in a representative capacity, such person shall have a lien upon such property, or any property of his principal in his possession, until he is indemnified against the payment thereof, or, if he has paid the tax, until he is reimbursed for such payment. Property assessed to agent

WHO NOT ELIGIBLE AS BONDSMAN.

§ 257. No judge of the county court, chairman of the county board, clerk of the circuit court, county clerk, sheriff, Who not eligible as bondsmen.

deputy sheriff or coroner shall be permitted to be a surety on the bond of a county, town, district or deputy collector or county treasurer.

LIABILITY ON BONDS.

Bond of collector as security.

§ 258. The bond of every county, town or district collector shall be held to be security for the payment by such collector to the state treasurer, county treasurer, and the several cities, towns and villages, and proper authorities and persons, respectively, of all taxes and special assessments which may be collected or received by him on their behalf, by virtue of any law in force at the time of giving such bond, or that may be passed or take effect thereafter.

Suit upon bond of the collector.

§ 259. Upon the failure of any collector to make settlement with the auditor, or to pay money into the state treasury, as required by law, it shall be the duty of the auditor to sue the collector and his securities upon the bond of such collector, and take such proceedings thereon as shall be necessary to protect the interests of the state.

Court in which suit may be brought.

§ 260. When suit is prosecuted by the auditor, it may be instituted in either division of the supreme court, or in the Sangamon county circuit court, or in any court of record in this state, having jurisdiction of the amount.

Proceedings under judgment

§ 261. When suit has been instituted by the auditor, any party aggrieved may proceed under the judgment obtained, by writ of inquiry of damages, as in other cases on bonds.

Cities and towns may prosecute suit.

§ 262. Cities, towns, villages, or corporate authorities or persons, aggrieved, may prosecute suit on the bond of any collector, for their use, in any court having competent jurisdiction, whether the bond has been put in suit or judgment obtained thereon, by the auditor, or not; and in case of judgment thereon the auditor may, if he shall so elect, have a writ of inquiry of damages, for any amount that may be due to the state treasury from such collector.

Fees, how to be paid.

§ 263. The state shall pay like fees as are or may be allowed by law in suits between individuals; and in all cases when the state is plaintiff, it shall advance and pay such fees in like manner as individuals are required to advance and pay fees; and when the state becomes the purchaser of real property sold on execution, for any debt due the state, the officer selling such real estate shall be entitled to like commissions as he would have been entitled to had such property been purchased by an individual—said fees and commissions to be paid on the warrant of the auditor, out of any money in the treasury appropriated for that purpose; and when such fees are collected they shall be paid into the state treasury.

SALE OF REAL ESTATE ON EXECUTION IN BEHALF OF THE
STATE—REDEMPTION.

§ 264. When real estate shall be levied upon to satisfy any judgment in favor of the state, it shall be the duty of the officer making such levy, to transmit by mail, to the auditor, at least twenty days before the day of sale, a correct statement, showing the description and value of said property, in cash; the truth of said statement shall be attested by the oath of said officer. Said officer shall, at the same time, furnish the auditor with an abstract of title of the property levied upon, the expense thereof to be charged and collected as costs. And the auditor is hereby authorized and required to purchase, in his name, for the use of the People of the State of Illinois, at a price not exceeding two-thirds of said value, so much of said property as may be required to pay the amount of the judgments and costs aforesaid; and it shall be the duty of the officer making such sale to forward to the auditor a certificate of purchase, and make his return, as required in other cases of sales on execution. Any person desiring to redeem all or part of said property from such sale, shall pay the amount of redemption money into the state treasury, and thereupon the auditor shall indorse such payment on the back of the certificate of purchase aforesaid, and deliver it to the person so paying, which shall have the same effect as redemptions have in other cases; but no real estate purchased as aforesaid shall be considered redeemed from such sale until the redemption money is paid into the state treasury. Such certificate may be recorded in the recorder's office of the county in which such real property is situated, and shall operate as a release of record of such property.

Sale of real estate on behalf of the state.

§ 265. All moneys received by any sheriff or other officer, on execution, in behalf of the state, shall be paid by such officer to the state treasurer, or to the collector of his county, as may be directed by the auditor, within twenty days after demand is made by said auditor. Said demand may be made by any person authorized by the auditor.

Money received on execution.

§ 266. If any real estate, purchased by the state on execution, shall not be redeemed within the time required by law, it shall be the duty of the auditor to obtain a deed or deeds therefor; which he shall cause to be recorded in a book kept for that purpose in his office, and shall take such steps as he shall deem necessary to protect the timber or fixtures thereon from being lost or destroyed.

Redemption of real estate.

DOUBLE PAYMENT AND ASSESSMENT—REFUNDING.

§ 267. Whenever the taxes on the same property shall have been paid more than once, for the same year, by

Double payment

different claimants, the county collector shall make a return to the county clerk of all such surplus taxes so received by him, together with the names of the several claimants thus paying. Certified copies of said return, or of record thereof, by the county clerk, or of the county clerk's report, by the auditor, shall be *prima facie* evidence in all courts, when the same shall come in question, of the payment of tax on the property therein described for the year or years therein mentioned. The county clerk shall make a full record of all such cases, and transmit a certified copy thereof to the auditor, who shall charge such collector with the portion of such surplus taxes belonging to the state. The town or district collectors shall report such cases to the county collector, and he to the county clerk.

Double assessment.

§ 263. If any real property shall be twice assessed for the same year, or assessed before it becomes taxable, and the taxes so erroneously assessed shall have been paid, either at sale or otherwise, or have been twice paid by different claimants, the county board, on application of the person paying the same, or his agent, and being satisfied of the facts in the case, shall cause the state and county taxes to be refunded *pro rata* by the state and county; and the city and incorporated town or village taxes and special assessments, by the city or incorporated town, village or other proper authorities or persons. If any county, town or district collector shall receive the taxes or special assessments properly due on any real property, and the same shall afterwards be sold for said taxes or special assessments, he shall refund to the purchaser thereof, if application be made within three years from the date of said sale, double the amount of purchase money and all expenses of advertising said real estate under this act, requiring real estate purchased at tax sales to be advertised, including costs of deeds. Any collector neglecting or refusing to pay as required by this section, shall be liable to the county, or person in interest, in an action of debt in any court having jurisdiction.

WHEN RECORDS ARE DESTROYED.

When records are destroyed.

§ 269. When assessment rolls or collectors' books in whole or in part, of any county, town, city, incorporated village or district, shall be lost or destroyed by any means whatever, a new assessment, or new books, as the case may require, shall be made under the direction of the county board. Said board shall, in such cases, fix reasonable times and dates for performing the work of assessment, equalization, levy, extension and collection of taxes, and paying over the same, or making new books, as the circumstances of the case may require. All the provisions of this act shall apply to the dates fixed by the county board, in the same manner that they apply to the dates for similar purposes,

as fixed by this act. The county board is hereby fully empowered to select and appoint persons, where it may find the same necessary, to carry into effect the provisions of this section.

OTHER DUTIES OF AUDITOR.

§ 270. Whenever it shall come to the knowledge of the auditor that any county, township, city, district or town, or any well defined locality thereof, or any particular class of property therein, has heretofore been or may hereafter be released, from any cause whatever, from its just proportion of state taxes, said auditor shall cause suit to be commenced in an action of debt, in the name of the People of the State of Illinois, either against the municipality or against the property unjustly released from taxation, or the owners thereof, for the amount of such tax, in the supreme court of this state, in either division thereof; and when judgment may be recovered in any such case, the auditor shall levy a rate of tax on the equalized valuation of all property or particular class of property in such county, township, city, district, town or locality, as the case may be, as will pay the state the amount of such judgment and costs; and it shall be the duty of the county clerk of the proper county to extend such rate of tax with the state tax of the year directed in the auditor's certificate. Any county clerk neglecting or refusing to extend such rate, as certified to him by the auditor, shall be removed from his office, and in addition thereto shall be subject to a fine of five thousand dollars, and damages caused by such neglect or refusal, to be sued for by the auditor, in an action of debt, in the name of the People of the State of Illinois, in either division of the supreme court of this state: *Provided*, that in cases where the auditor and proper local authorities of the proper municipality can arrange to make such levy to reimburse the state in such cases, without suit, the auditor is hereby authorized to pursue such course.

Other duties
of auditor.

§ 271. The auditor is authorized to sell, transfer and convey, by deed, any and all real estate that may have been heretofore, or may be hereafter, purchased or taken in payment, to satisfy any judgment or any execution in favor of the state, by this state or by any officer of this state, for the benefit and use of the state, to any person or persons who may pay into the state treasury the full amount paid by the state for said property, including costs, and six per cent. interest thereon, from the date of said sale to the time of such payment: *Provided*, that the sale of the real estate, in part or in whole, may be made at such price, not less than the price paid for such part or whole of the property, as the case may be, as the judge of the county court, chairman of the county board, and the sheriff of the county in which

Auditor authorized to sell
real estate.

the estate is situated, shall certify the same to be worth; or, if not sold in one year from and after the expiration of the time of redemption now or hereafter allowed by law, said property may, if the auditor thinks the valuation fair, be sold by said auditor upon and for any valuation of said property which may be appraised and certified by the judge of the county court, chairman of the county board and sheriff of the county in which such property is situated.

Abstracts of
land entered
and located.

§ 272. On the first day of May in each year, or as soon thereafter as practicable, the auditor shall obtain from the United States land office in this state abstracts of the lands entered and located, and not previously obtained, and shall, at the same time, obtain from the Illinois Central railroad and canal offices abstracts of the Central railroad and canal lands sold. Upon the receipt of said abstracts, the auditor shall cause them to be transcribed into the tract books in his office, and shall, without delay, cause abstracts of the lands in each county, including school lands reported to his office as having been sold, to be made out and forwarded by mail to the county clerks of the several counties; and said clerks shall cause such abstracts to be transcribed into the tract book, and filed in their office. The expense of procuring and furnishing the abstracts required by this section, shall be paid by the auditor out of the appropriation for the expenses of his office.

Forms and in-
structions from
auditor.

§ 273. It shall be the duty of the auditor to make out and forward to each county clerk, from time to time, for the use of such clerks and other officers, suitable forms and instructions; and all such instructions shall be strictly complied with by the officers in the performance of their respective duties. He shall give his opinion and advice on all questions of doubt as to the true intent and meaning of the provisions of this act.

Act to be
printed.

§ 274. The auditor shall, as soon as practicable after the passage of this act, cause the same to be correctly printed in pamphlet form, and transmit to each county clerk a sufficient number of copies thereof for the use of the several county, town and district officers; and said clerk shall deliver the same to the proper officers.

Swamp and
overflowed lands.

§ 275. The county clerks of the several counties shall, annually, report to the auditor a list of the swamp and overflowed lands sold in their respective counties for the year ending on the first day of May, and the auditor shall enter the same in the tract books of his office.

OMITTED PROPERTY—SAVING CLAUSES.

Omitted pro-
perty.

§ 276. If any real or personal property shall be omitted in the assessment of any year or number of years, or the tax thereon, for which such property was liable, from any cause has not been paid, or if any such property, by reason

of defective description or assessment thereof, shall fail to pay taxes for any year or years, in either case the same, when discovered, shall be listed and assessed by the assessor and placed on the assessment and tax books. The arrearages of tax which might have been assessed, with ten per cent. interest thereon, from the time the same ought to have been paid, shall be charged against such property by the county clerk. It shall be the duty of county clerks to add uncollected personal property tax to the tax of any subsequent year, whenever they may find the person owing such uncollected tax assessed for any subsequent year.

§ 277. If the tax on any property, liable to taxation, is prevented from being collected for any year or years by reason of any erroneous proceedings or other cause, the amount of such tax which such property should have paid shall be added to the tax on such property for the next succeeding year. Erroneous proceedings.

§ 278. No such charge for tax and interest for previous years, as provided for in the preceding section, shall be made against any property prior to the date of ownership of the person owning such property at the time the liability for such omitted tax was first ascertained: *Provided*, that the owner of property, if known, assessed under this and the preceding section, shall be notified by the assessor or clerk, as the case may require. Charges for previous years.

§ 279. When any special assessment is not returned to the county collector on or before the first day of March next after it is due, the same may be returned on or before the first day of March in the succeeding year; and, if not then returned, it shall be considered barred, unless return is prevented by an injunction or order of court; and the time such return is thus prevented shall be excluded from the computation of such time. Returns special assessments.

§ 280. A failure to complete an assessment in the time required by this act shall not vitiate such assessment, but the same shall be as legal and valid as if completed in the time required by law. Failure to complete assessment.

§ 281. No assessment of real or personal property, or charge for taxes thereon, shall be considered illegal on account of any informality in making the assessment, or in the tax lists, or on account of the assessments not being made or completed within the time required by law. Informality in assessments.

§ 282. Any failure to deliver the collector's books within the time required by this act, shall in no way affect the validity of the assessment and levy of taxes, but in all cases of such failure, the assessment and levy of taxes shall be held to be as valid and binding as if said books had been delivered at or within the time required by law. Failure to deliver collectors' books.

§ 283. No sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of the rightful owner. Taxes charged in wrong name.

WHO MAY ADMINISTER OATHS.

Who may administer oaths.

§ 284. Any oath authorized to be administered under this act, may be administered by an assessor or deputy assessor, or by any other officer having authority to administer oaths.

PENALTIES OF OFFICERS.

Penalties of officers.

§ 285. If any county clerk shall deliver the tax books into the hands of the county collector, or if any collector shall receive said books or collect any taxes until such collector's bond has been approved and filed, as required by this act, said clerk and collector, and each of them, shall be liable to a penalty of not less than five hundred dollars, and all damages and costs, to be recovered in an action of debt; and the auditor shall bring suit therefor, in the name of the People of the State of Illinois—the amount recovered on such fines to be paid into the state treasury as revenue fund. Nothing in this section shall be construed as relieving the securities of a collector from liabilities incurred under a bond not approved and filed by the auditor.

§ 286. If any collector shall, by his own neglect, fail to obtain judgment at the May term of the county court, or shall fail to present his list of delinquencies on personal property, or errors in assessment of real estate, at the time required by this act, he shall lose the benefit of any abatement to which he might have been entitled, and shall pay to the state and county the full amount charged against him, after deducting the fees allowed by this act for collecting and paying over taxes. If the county court is not held at the May term, the collector shall have further time to pay over the amount due on the delinquent list.

§ 287. If any officer shall fail or neglect to perform any of the duties required of him by this act, upon being required so to do by any person interested in the matter, he shall be liable to a fine of not less than ten dollars nor more than five hundred dollars, to be recovered in an action of debt in the circuit court of the proper county, and may be removed from office at the discretion of the court; and any officer who shall knowingly violate any of the provisions of this act, shall be liable to a fine of not less than ten dollars nor more than one thousand dollars, to be recovered in an action of debt, in the name of the People of the State of Illinois, in any court having jurisdiction, and may be removed from office at the discretion of the court, and said fines, when recovered, shall be paid into the county treasury.

§ 288. Every county clerk, assessor, collector or other officer who shall in any case refuse or knowingly neglect to

perform any duty enjoined upon him by this act, or who shall consent to or connive at any evasion of its provisions, whereby any proceeding required by this act shall be prevented or hindered, or whereby any property required to be listed for taxation shall be unlawfully exempted, or the same be entered upon the tax list at less than its fair cash value, shall, for every such offense, neglect or refusal, be liable, on the complaint of any person, for double the amount of the loss or damage caused thereby, to be recovered in an action of debt, in the name of the People of the State of Illinois, in any court having jurisdiction, and may be removed from his office at the discretion of the court.

COUNTY TO FURNISH BOOKS AND BLANKS.

§ 289. The county board shall direct the county clerk to procure all necessary books and blanks required by this act to be used in the assessment of property and collection of taxes, at the expense of the county. County to furnish books and blanks.

COUNTY FUNDS—MANNER OF KEEPING ACCOUNTS THEREOF.

§ 290. The county collector shall, on the first of every month, report to the county clerk, in writing, the amount of county tax received by him during the preceding month, showing what amount of said tax was received in money, and what amount in county orders and jury certificates. The county collector shall keep his account as collector of taxes separate from his account as county treasurer. He shall credit his account as collector with the amount of his monthly reports to the county clerk, and with the amount of insolvencies, removals, errors, forfeitures, and other credits allowed him on settlement with the county board; and as county treasurer he shall charge himself with the amount shown in his monthly report to the county clerk, as aforesaid, and such other amounts as may come into his hands as county treasurer; and he shall, as such treasurer, at the close of each month, cancel the county orders and jury certificates in his hands, and return the same with a descriptive list, giving numbers and amounts properly footed, to the county clerk, who shall carefully compare and file the same in his office, subject to the order of the county board, and give the treasurer a receipt for the same; which receipt shall be the evidence upon which the county treasurer shall take credit in his accounts as such treasurer, with the county, subject to the approval of the county board. The county board shall examine such account and vouchers, at such time or times, by committee or otherwise, as may be deemed requisite. County fund.

§ 291. Each county clerk shall keep an account with the county collector, charging him with the amount of Manner keeping accounts.

county tax placed in his hands for collection, and with the county tax received by him from sales and redemptions of forfeited property, and with any other funds belonging to the county, that shall come into the collector's hands; and shall credit him with the amounts ascertained as required in the preceding section, charged to the county treasurer's account monthly; also, with amount of county tax on insolvencies, removals, errors, forfeited property, etc., whenever ascertained in the manner required by this act. The county clerks shall also keep a treasurer's account with the county treasurer of their respective counties. The treasurer shall be charged with the amount of money, county orders and jury certificates reported in the collector's monthly statements required to be made in the preceding section, and all amounts paid to the county treasurer from other sources than the county revenue tax; and it is hereby made the duty of all persons paying money into the county treasury, for all purposes except the county taxes, to first obtain from the county clerk an order on the treasurer to receive the same; and the treasurer shall give the person so paying duplicate receipts therefor, one of which shall be countersigned by the county clerk, and retained by the person paying over the amount, and the other filed in the county clerk's office, and the amount thereof charged against the treasurer. The treasurer's account shall be credited, monthly, with the amount of county orders and jury certificates canceled and filed in the county clerk's office, as required in the preceding section.

DEFINITIONS.

Definitions.

§ 292. The words and phrases following, whenever used in this act, shall be construed to include in their meaning the definitions set opposite the same in this section, whenever it shall be necessary to the proper construction of this act:

1st. **ASSESSOR—ASSESSORS.**—Town, district and deputy assessors.

2d. **AUDITOR.**—Auditor of public accounts.

3d. **BANK—BANKER—BROKER—STOCK-JOBBER.**—Whoever has money employed in the business of dealing in coin, notes or bills of exchange, or in the business of dealing in or buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds, or other writing obligatory, or stocks of any kind or description whatsoever, or receiving money on deposit.

4th. **COLLECTOR—COLLECTORS.**—County, town, district and deputy collectors.

5th. **COUNTY BOARD.**—The board of supervisors—the board of county commissioners.

6th. CREDITS.—Every claim or demand for money, labor, interest, or other valuable thing, due or to become due, not including money on deposit.

7th. HE.—Male, female, company, corporation, firm, society, singular or plural number.

8th. MONEY—MONEYS.—Gold, silver or other coin, paper or other currency used in barter and trade as money, in actual possession, and every deposit which the person owning, holding in trust, or having the beneficial interest therein, is entitled to withdraw in money on demand.

9th. NUMBER.—The singular number shall include the plural, and the plural number shall include the singular.

10th. OATH.—Oath or affirmation.

11th. PERSON—PERSONS.—Male, female, corporation, company, firm, society, singular or plural number.

12th. REAL PROPERTY—REAL ESTATE—LAND—TRACT—LOT.—Not only the land itself, whether laid out in town or city lots, or otherwise, with all things contained therein, but also all buildings, structures and improvements, and other permanent fixtures, of whatsoever kind, thereon, and all rights and privileges belonging or in anywise pertaining thereto, except where the same may be otherwise denominated by this act.

13th. SHARES OF STOCK—SHARES OF CAPITAL STOCK.—The shares into which the capital or stock of every incorporated company or association may be divided.

14th. TAX—TAXES.—Any tax, special assessment or costs, interest or penalty imposed upon property.

§ 293. In all counties not under township organization, the county court, or judge of the county court, as the case may require, shall perform all the duties required in this act to be performed by the county board, or chairman of the county board, as the case may be, in such counties, until such time as the board of county commissioners shall be duly elected and qualified in said counties.

County court
to perform cer-
tain duties.

REPEALING CLAUSE.

§ 294. The laws and parts of laws entitled as hereinafter named, are hereby repealed, viz: Chapter 89, Revised Statutes 1845, entitled "Revenue," approved March 3, 1845; "An act concerning the revenue," approved February 11, 1845; "An act to enable the former and late collectors of the revenue in the several counties of this state, to collect any taxes remaining due and unpaid," approved February 10, 1845; "An act to save a portion of the revenue from being lost," approved March 1, 1845; "An act to amend the several laws allowing Illinois and Michigan Canal lands to be taxed and sold for taxes," approved January 29, 1845; "An act in relation to the assessment of taxes in St. Clair county," approved January 26, 1847; "An act to amend

Repeal'g clause

the present revenue law," approved February 28, 1847; "An act to amend the eighty-ninth chapter of the revised laws, entitled 'Revenue,'" approved February 27, 1847; "An act to amend the seventh section of a law concerning revenue," approved March 3, 1845, approved February 16, 1847; "An act to amend chapter 89 of the Revised Statutes," approved February 25, 1847; "An act to amend the several acts concerning the public revenue," approved February 8, 1849; "An act to provide for the collection of the revenue on forfeited property," approved February 12, 1849; "An act in relation to burying grounds, church yards, and lands used by literary institutions," approved March 2, 1843; "An act to exempt the property of colleges and common schools from taxation for a limited period," approved March 6, 1843; "An act to exempt burying grounds from taxes, executions and attachments," approved March 3, 1845, so far as said act applies to exemption from taxation; "An act to authorize the auditor of public accounts and county courts to refund the taxes on real estate sold in error," approved March 7, 1849; "An act to amend the several acts concerning the public revenue," approved November 6, 1849; "An act to enable the auditor of public accounts, to collect the revenue," approved February 17, 1851; Article 18, 19, 20 and 21, and section 2 of article 25, of "An act to provide for township organization," approved February 17, 1851; "An act to provide for the assessment of property in the city of Quincy for state taxes, and for the collection of taxes therein, for the year 1850, and for subsequent years; and for exempting the city of Quincy from the operation of the law authorizing township organization," approved February 15, 1851; "An act to amend the revenue law," approved June 23, 1852; "An act declaring certain lands exempt from taxation," approved June 23, 1852; "An act to amend the revenue laws, and to provide for the collection of state taxes in the city of Quincy," approved June 23, 1852; "An act for the assessment of property, and the collection of taxes in counties adopting the township organization law," approved February 12, 1853; "An act for the assessment of property," approved February 12, 1853; "An act regulating the collection of the revenue in counties adopting the township organization law," approved February 23, 1853; "An act regulating the collection of the revenue," approved February 12, 1853; "An act regulating the assessment and collection of certain taxes omitted in former assessments," approved February 12, 1853; "An act to amend the revenue laws of this state," approved February 12, 1853; "An act to repeal part of section thirteen, of an act regulating the collection of the revenue," approved February 15, 1855; "An act to amend the assessment and revenue laws," approved February 14, 1855; "Sections six and seven of an act to amend an act to establish a general system of bank-

ing," passed February 15, 1851, and the acts amendatory thereof, approved February 14, 1859; "An act to amend the revenue laws," approved February 21, 1859; "An act to amend the revenue laws," approved February 21, 1861; "An act to amend an act entitled 'an act regulating the collection of the revenue in counties adopting the township organization law,'" approved February 12, 1853, approved February 22, 1861; "An act to amend the township organization laws," approved February 12, 1863; "An act to amend the revenue laws, and establish a state board for the equalization of assessments," approved March 8, 1867; "An act compelling the holders of tax certificates to take out deeds or lose their claims," approved March 8, 1867; "An act in regard to publishing the delinquent tax list," approved March 6, 1867; "An act entitled 'an act to extend the powers and jurisdiction of collectors of taxes,'" approved March 8, 1867; "An act relating to assessments and taxation in school districts," approved March 29, 1869; "An act to amend an act for the assessment of property," approved February 12, 1853, approved April 8, 1869; "An act to amend an act entitled 'an act to amend the revenue laws, and to establish a state board for the equalization of assessments,'" approved March 8, 1867, approved March 26, 1869; "An act authorizing certain officers therein named to receive national bank notes and fractional currency in payment of taxes," approved March 4, 1869; "An act to amend the revenue law," approved April 17, 1869; "An act in relation to the assessment of the property of railroad companies, for taxation, in counties adopting the township organization law," approved February 21, 1861; "An act to provide for interest on the state debt," approved February 22, 1861; "An act to relieve the people of this state from the payment of exorbitant and unnecessary taxes," approved February 8, 1861; Article sixteen of "An act to reduce the act to provide for township organization, and the several acts amendatory thereof, into one act, and to amend the same," approved February 20, 1861.

The repeal of said acts and parts of acts shall not be construed to impair any right existing, or affect any proceeding pending, at the time this act shall take effect; but all proceedings for the assessment of any tax, or collection of any tax or special assessment then remaining incomplete, may be completed pursuant to the provisions of this act. The provisions of this act shall apply to redemptions from sales made for taxes or special assessment previous to the taking effect hereof, and the mode of giving notice, and issuing deeds upon certificates of sales made for taxes.

APPROVED March 30, 1872.

In force July 1, 1871. AN ACT to legalize assessments of property for state, county and town taxes of the year 1870, and to provide for appeals from judgments for such taxes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all assessments of property for state, county or town taxes, for the year A. D. one thousand eight hundred and seventy, in which there is any defect arising from a failure to give notice, or published by any county or town assessor, or any defect arising from a failure to complete or to deliver the collector's books within the time required by law, shall be, and the same are hereby declared to be as good, valid and effectual as if such notices had been given, posted, or published, and such books completed and delivered in strict conformity to law: *Provided, however,* that when judgment for such taxes shall be applied for and obtained, appeals may be taken and prosecuted from such judgments, in the manner provided for in the revenue laws of this state.

APPROVED June 21, 1871.

In force July 1, 1872. AN ACT to secure equality of assessment in special school districts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all school districts in this state where provision may have heretofore been made by law for a special assessor to assess the property of said districts, the board of directors of said districts shall have the power, upon the completion of the assessment by said special assessors, in accordance with the laws regulating the assessment of property, to revise the said assessments and to hear the complaint of any tax payer who may feel himself aggrieved by said assessment, and correct and reform any erroneous or illegal assessments so found to exist.

§ 2. Said boards of directors shall give the same notice of their meeting to revise said assessments as is now required of town assessors in counties under township organization, and be governed by the general laws of the state touching assessment in all their actions relative thereto.

APPROVED February 3, 1872.

AN ACT to provide for the reassessment and taxation of property where the records of assessment have been lost or destroyed, and to authorize the reassessment or abatement of taxes in certain cases. In force Feb. 29, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases where assessment rolls, or the records of any tax levy, in whole or in part, of any county, town or district, shall have been or may hereafter be lost or destroyed by any means whatever, a new assessment or new books, as the case may require—to stand in the place of those lost or destroyed—shall be made, under direction of the county board, and said board is hereby authorized and required to take such immediate action as will accomplish the object intended by this section—subject, however, to all the rules and principles laid down in the revenue laws of this state, for the assessment, levy and collection of taxes. Said board is hereby fully authorized and required, in such cases, to fix reasonable times and dates, such as may be actually rendered necessary for performing the work of assessment, extension and collection of taxes, and paying over the same, or making new books, as the circumstances of the case may require: *Provided, however,* that this section shall not be held to relieve any officer, or his bondsmen, from any of the liabilities, requirements and penalties contained in the revenue laws of this state. In case the re-assessment shall be made for the entire county, and shall not be completed in time for a statement thereof to be presented to the state board of equalization at its regular annual meeting, the county clerk, upon the completion thereof, shall certify a statement of such re-assessment to the auditor of public accounts, and upon the receipt of such statement the auditor shall give notice thereof to the governor, whose duty it shall be to immediately convene the state board of equalization. Said board, when convened, shall proceed to equalize said new assessment in the manner provided by law for the equalization of taxes by said board. When said board shall have completed its equalization, it shall cause the result thereof to be certified to the auditor, whose duty it shall be to certify the same to the county clerk of such county. Said clerk shall extend against the equalized valuation, to be ascertained by him upon the certificate of the auditor aforesaid, in the manner provided by law in other cases, the rates for state taxes, certified to him for the year for which such re-assessment shall be made. In case said new assessment shall be made for a part of a county only, after the same has been equalized by the state board, it shall be the duty of the county board to equalize the same with the assessment for the other portions of the county, and upon the entire assessment of such county so equalized, it shall be the duty of the county clerk to extend the

New assess-
ment.

Times and
dates.

In case not
completed.

rate of taxation for state purposes the same as if it had been equalized by the state board of equalization. But in such case the county boards shall not reduce the aggregate valuation below that which may have been certified to the auditor, and equalized by the state board of equalization. Such assessment shall be made by the officers of law who may be in office at the time of making the new assessment as herein provided for, and such new assessment shall be as valid as if such assessment had been made at the time provided by law. The county board, upon the return of the assessment made under this act, shall have authority to levy the annual taxes for county, town, school, or other purposes, authorized to be extended against the assessment of property, in the same manner and with the like effect as though the same were the original assessment for the year for which such new assessment shall be made, and the same were completed in the time and manner provided by the general laws of this state relating to the levying and collection of taxes. When the taxes shall be extended as aforesaid, warrants for the collection thereof shall be issued, returnable at such time as the county board shall designate, and shall be delivered to the proper officers for collection. The county board shall also fix the time of applying for judgment against the lands upon which taxes shall not be previously paid; and the times fixed by said board, in pursuance hereof, for the doing of any act, shall be deemed and taken as the time fixed by law for that purpose.

County board
to levy taxes.

Abatement of
tax.

§ 2. Whenever a large part of the taxable property of any township, city, town or village in any county of this state has been heretofore, or may be hereafter destroyed by fire or other casualty, after the annual assessment thereof, and before the collection thereof, the county board or authority levying the same may abate or remit, on the property so destroyed, a portion or all of the tax thereon, in their respective districts, except the state tax.

County courts
to perform du-
ties.

§ 3. In counties not under township organization, the county courts of such counties may perform all the duties and exercise all the powers of county boards provided for in this act, until county boards shall be elected in such counties, as provided for in the constitution of this state.

Emergency.

§ 4. Whereas, by reason of the destruction of the assessment rolls of Cook county for the state, county and other taxes, for the year eighteen hundred and seventy-one, it is impossible to collect any portion of said taxes therein until a new assessment shall be made: therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED February 29, 1872.

AN ACT to authorize the assessment of property, and the levy and collection of taxes in municipal corporations, and by boards of trustees or commissioners, when the assessment roll has been lost or destroyed. In force April 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases where the assessment roll or any part thereof, of any city, town or village, or of any board of trustees or commissioners, having within itself the power and authority to levy taxes, shall have been or may hereafter be lost or destroyed, a new assessment roll may be made by the proper officer or authority of said city, town, village or board, and when so made, shall take the place of the one so lost or destroyed; and the property described in the new roll shall be valued as of the day it was in the former roll. Assessment roll destroyed.

§ 2. The assessor or other officer authorized to make assessment rolls in said city, town or village, or by such board, shall make and return such new roll to the proper board or officer within thirty days after he shall have been ordered to make the same, by the board authorized to levy taxes therein; and on the return of said roll, the same proceedings shall be taken by said board upon and relating thereto, and in relation to the confirmation thereof, and the levy of taxes thereon, and the collection of the same, as the said board did take or might have taken upon and relating to said former roll, if the same had not been lost or destroyed. Assessor to return roll within thirty days.

§ 3. In all cases where the law authorizing the levy and collection of taxes in said city, town or village, or by any board of trustees or commissioners, prescribes a certain time within which any act relating thereto shall be done, and the assessment roll shall be lost or destroyed as aforesaid, then the same time shall be given anew for the doing of said act, as was in the first instance prescribed. Where time is prescribed. The date of the order for such new assessment to be substituted for the time originally fixed for the making of said former assessment.

§ 4. The same proceedings shall be had in relation to the return of delinquent lands and other acts authorized to be done subsequent thereto, in the case aforesaid, as though the said former roll had not been lost or destroyed; and in case such return of delinquent lands is required by law to be made to some officer other than an officer or board of such city, town or village, and is not made in season for such proceedings, then such proceedings shall be had the next following year. Delinquent lands.

§ 5. Whereas, by reason of the destruction by fire of the assessment roll of the village of Winnetka, for the year eighteen hundred and seventy-one (1871), it is impossible to collect the taxes, or any part thereof, of said village Emergency.

for said year, until a new assessment roll shall be made: therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED April 1, 1872.

In force April 9, 1872. AN ACT to amend an act entitled "An act to legalize assessments of property for state, county and town taxes of the year 1870, and to provide for appeals from judgments for such taxes," approved June 21, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That an act entitled "An act to legalize assessments of property for state, county and town taxes for the year 1870, and to provide for appeals from judgments for such taxes, approved June 21st, 1871, be and the same is hereby amended to read as follows:

Defective assessments.

"That all assessments and reassessments of property for state, county or town taxes, for the years 1870 and 1871, in which there is any defect, arising from a failure to give, post or publish any notice required by law to be given, posted or published by any county or town assessor, or any person or persons authorized by law to assess or reassess the property of any town, township or county, city or precinct, or any defect arising from a failure to complete or deliver the collector's books within the time required by law, shall be and the same are hereby declared to be as good, valid and effectual as if such notices had been given, posted or published, and such books completed and delivered, in strict conformity to law: *Provided, however*, that when judgment for such taxes shall be applied for and obtained, appeals may be taken and prosecuted from such judgments in the manner provided for in the revenue laws of this state."

Emergency.

§ 2. Whereas, by reason of defects and omissions in the assessments of property for taxes, for the years 1870 and 1871, made by assessors and other persons authorized by law to make such assessments, failing to give the notices required by law, by which the collection of taxes for the support of schools and other purposes is prevented and delayed, whereby an emergency has arisen, requiring that this act should take effect immediately: therefore, this act shall take effect and be in force from and after its passage.

APPROVED April 9, 1872.

ADMINISTRATION OF ESTATES.

AN ACT in regard to the administrations of estates.

In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when a will has been duly proved and allowed, the county court shall issue letters testamentary thereon to the executor named in such will, if he is legally competent and accepts the trust, and gives bonds to discharge the same; and when there is no executor named in such will, or the executor named therein dies, refuses to act, or is otherwise disqualified, the court shall commit the administration of the estate unto the widow, surviving husband, next of kin or creditor, the same as if the testate had died intestate. In all cases copies of the will shall go out with the letters.

Letters testa-
mentary.

Copies.

§ 2. It shall be the duty of any person knowing that he is named or appointed as the executor of the last will and testament of any person deceased, within thirty days next after the decease of the testator, to cause such will to be proved and recorded in the proper county; or to present the will and declare his refusal to accept of the executorship; and every such executor neglecting so to do, without just excuse for such delay, shall forfeit the sum of twenty dollars per month from and after the expiration of said term of thirty days, until he shall cause probate of said will to be made, or present the same as aforesaid, to be recovered by action of debt, for the use of the estate, by any person who will sue for the same in any court having jurisdiction thereof.

Will to be pro-
ved and record-
ed.

Penalty.

§ 3 Persons of the age of seventeen years, of sound mind and memory, may be appointed executors; but when a person appointed executor is, at the time of proving the will, under the age of twenty-one years, or of unsound mind, or convicted of any crime rendering him infamous, administration with the will annexed may be granted during his minority or other disability, unless there is another executor who accepts the trust, in which case the estate shall be administered by such other executor until the minor arrives at full age or the other disability is removed, when, upon giving bond as in other cases, he may be admitted as joint executor with the former. When a married woman is executrix her husband may give bond with her for her faithful performance of the trust as in other cases.

Minors may be
appointed exe-
cutors.

§ 4 The power of the executor over the testator's estate, before probate of the will and obtaining letters testamentary, shall extend to the burial of the deceased, the

Power of exe-
cutor.

payment of necessary funeral charges, and the taking care of the estate; but in all such cases if the will is rejected when presented for probate, and such executor thereby never qualifies, he shall not be liable as an executor of his own wrong, unless upon refusal to deliver up the estate to the person authorized to receive the same: *Provided*, that this section shall not be construed to exempt any person claiming to be executor as aforesaid, for any waste or misapplication of such estate.

* Waste or mis-application.

Failure to act.

§ 5. Where two or more executors are appointed in and by the same will, and one or more of them dies, refuses to take upon himself the executorship, or is otherwise disqualified, letters testamentary shall be granted thereon to the other person or persons so named, not renouncing as aforesaid, and not disqualified.

Executor to take oath.

§ 6. Every executor or administrator with the will annexed, shall at the time of proving the will and granting letters testamentary, or of administration, take and subscribe the following oath, to-wit:

Oath.

I do solemnly swear (or affirm) that this writing contains the true last will and testament of the within named A B, deceased, so far as I know or believe; and that I will well and truly execute the same, by paying first the debts and then the legacies mentioned therein, as far as his goods and chattels will thereunto extend, and the law charge me; and that I will make a true and perfect inventory of all such goods and chattels, rights and credits, as may come to my hands or knowledge belonging to the estate of the said deceased, and render a fair and just account of my executorship, when thereunto required by law, to the best of my knowledge and ability: so help me God.

Clerk to administer.

Which said oath shall be administered by the clerk of the county court, and be attached to and form a part of the probate of said will.

To give bond.

§ 7. All executors hereafter appointed, unless the testator shall otherwise direct in the will, and all administrators with the will annexed, shall, before entering upon their duties, enter into bond with good and sufficient security to be approved by the county court, in a sum double the value of the estate, and payable to the People of the State of Illinois, for the use of the parties interested, in the following form, to-wit:

Form of bond.

Know all men by these presents, that we, A B, C D and E F, of the county of . . . , and state of Illinois, are held and firmly bound unto the People of the State of Illinois, in the penal sum of . . . dollars, current money of the United States, which payment, well and truly to be made and performed, we and each of us bind ourselves, our heirs, executors and administrators, jointly, severally and firmly by these presents. Witness our hands and seals, this . . . day of . . . , A. D. 18..

The condition of the above obligation is such, that if the above bounden A B, executor of the last will and testament of G H, deceased, (or administrator with the will annexed, of G H, deceased, as the case may be,) to make, or cause to be made, a true and perfect inventory of all and singular the goods and chattels, rights and credits, lands, tenements and hereditaments, and the rents and profits issuing out of the same, of the said deceased, which have, or shall come to the hands, possession or knowledge of the said A B, or into the possession of any other person for him, and the same so made do exhibit in the county court for said county of . . . , as required by law; and also make and render a fair and just account of his actings and doings as such executor,

(or administrator) to said court, when thereunto lawfully required; and do well and truly fulfill the duties enjoined on him in and by the said will; and shall, moreover, pay and deliver to the persons entitled thereto, all the legacies and bequests contained in said will, so far as the estate of the said testator will thereunto extend, according to the value thereof, and as the law shall charge him; and shall, in general, do all other acts which may, from time to time, be required of him by law—then this obligation to be void: otherwise to remain in full force and virtue.

Which said bond shall be signed and sealed by the said executor (or administrator) and his securities, and filed in the office of the clerk of the county court and spread upon the records. Filed in office of county clerk.

§ 8. When any testator leaves visible estate more than sufficient to pay all his debts, and by will shall direct that his executors shall not be obliged to give security, in that case no security shall be required, unless the county court shall see cause, from its own knowledge, or the suggestions of creditors and legatees, to suspect the executors of fraud, or that the personal estate will not be sufficient to discharge all the debts, in which case such court may require security, and the same shall be given before or after letters testamentary are granted, notwithstanding any directions to the contrary in the will. Security.

§ 9. Whenever, by the division of any county, or the removal of the executor or administrator to whom letters have been granted, he is by such removal or division beyond the limits of the county in which said letters were granted, and in some other county of this state, the county court of the county in which the letters were or are granted shall proceed and settle the estate in the same manner as if no removal or division had occurred. Removal of executor.

§ 10. All letters testamentary, to be hereafter issued to executors under this act, shall be in the following form, to-wit: Letters testamentary.

STATE OF ILLINOIS, }
... COUNTY, } ss

The People of the State of Illinois, to all to whom these presents shall come—
GREETING :

Know ye that whereas, A B, late of the county of . . . , and state of Illinois, died on or about . . . day of . . . , A. D. 18.., as it is said, after having duly made and published his last will and testament, a copy whereof is hereunto annexed, leaving, at the time of his death, property in this state which may be lost, destroyed or diminished in value, if speedy care be not taken of the same; and inasmuch as it appears that C D has been appointed executor, in and by the said last will and testament, to execute the same; and to the end that the said property may be preserved for those who shall appear to have a legal right or interest therein, and that said will may be executed according to the request of the said testator, we do hereby authorize him, the said C D, as such executor, to collect and secure all and singular the goods and chattels, rights and credits, which were of said A B, at the time of his decease, in whosoever hands or possession the same may be found in this state; and well and truly to perform and fulfill all such duties as may be enjoined upon him by the said will, so far as there shall be property, and the law charge him; and in general to do and perform all other acts which now are or hereafter may be required of him by law.

Witness: E. F, clerk of the county court of the said county of . . . , and the seal of said court, this . . . day of . . . , A. D. 18..

[L. S.]

E F, Clerk.

ADMINISTRATORS TO COLLECT.

Contest to probate of will.

§ 11. During any contest in relation to the probate of any will, testament or codicil, before the same is recorded, or until a will which may have once existed, but is destroyed or concealed, is established, and the substance thereof committed to record, with proof thereupon taken, or during any contest in regard to the right of executorship, or to administer the estate of any person dying either testate or intestate, or whenever any other contingency happens which is productive of great delay before letters testamentary or of administration can be issued upon the estate of such testator or intestate, to the person or persons having legal preference to the same, the county court may appoint any person or persons as administrators, to collect and preserve the estate of any such decedent, until probate of his will, or until administration of his estate is granted, taking bond and security for the collection of the estate, making an inventory thereof, and safe keeping and delivering up the same when thereunto required by the court, to the proper executor or administrator, whenever they shall be admitted and qualified as such.

Administrators to collect.

Letters to be granted.

§ 12. The form of the letters to be granted to the person or persons so appointed to collect and preserve the estate of the decedent, as aforesaid, shall be as follows, viz :

The People of the State of Illinois, to all to whom these presents shall come—
GREETING:

Know ye, that whereas A B, late of the county of . . . , and state of Illinois, deceased, as it is said, had at his (or her) decease, personal property within this state, the administration whereof cannot be immediately granted to the persons by law entitled thereto, but which, if speedy care be not taken, may be lost, destroyed or diminished; to the end, therefore, that the same may be preserved for those who shall appear to have a legal right or interest therein, we do hereby request and authorize C D, (and E F, if two shall be appointed,) of the county of . . . , and state aforesaid, to collect and secure the said property, wheresoever the same may be, in this state, whether it be goods, chattels, debts or credits, and to make, or cause to be made, a true and perfect inventory thereof, and to exhibit the same, with all convenient speed, to the county court of the said county of . . . , together with a reasonable account of his collection, acts and doings in the premises aforesaid.

Witness: E F, clerk of the county court in and for said county of . . . , and the seal of said court, this . . . day of . . . , 18..

[L. s.]

E F, Clerk.

Bond and security.

§ 13. Before letters of administration to collect shall be granted as aforesaid, the person or persons so appointed shall give bond, with good and sufficient security, to be approved by the court, in the following form, to-wit:

Form of bond.

Know all men by these presents, that we, C D, E F and J K, of the county of . . . , and state of Illinois, are held and firmly bound unto the People of the State of Illinois, in the penal sum of . . . dollars, current money of the United States, for the payment of which, well and truly to be made and performed, we bind ourselves, our heirs, executors and administrators, jointly, severally and firmly by these presents.

Witness our hands and seals, this . . . day of . . . , 18..

The condition of the above obligation is such that if the above bounden C D shall well and honestly discharge the duties appertaining to his appointment as administrator, to collect of the estate of A B, late of the county of . . . , deceased; shall make, or cause to be made, a true and perfect inventory of all such goods, chattels, debts and credits of the said deceased, as shall come to his or her possession or knowledge, and the same in due time return to the county court of the proper county; and shall also deliver to the person or persons authorized by the said county court, as executors or administrators, to receive the same, all such goods, chattels and personal estate as shall come to his or her possession, as aforesaid, and shall, in the general, perform such other duties as shall be required of him (or them) by law, then the above obligation to be void: otherwise to remain in full force and virtue.

Which said bond shall be signed and sealed by such administrator and his securities, and filed with the clerk of the county court and spread upon the records. Bond filed.

§ 14. Before any administrator to collect shall enter upon the duties of his appointment, he shall take and subscribe the following oath or affirmation, before the clerk of the county court, to-wit: Administrator to take oath.

I do solemnly swear (or affirm) that I will well and honestly discharge the trust reposed in me as administrator, to collect the estate of A B, deceased, according to the tenor and effect of the letters granted to me by the county court of the said county of . . . , to the best of my knowledge and ability: so help me God. Oath.

Which said oath shall be in writing, subscribed by the party making it, and filed in the office of the clerk of the county court before whom the same is taken.

§ 15. Every collector so appointed shall have the power to collect the goods, chattels and debts of the said deceased, according to the tenor of the said letters, and to secure the same at such reasonable and necessary expense as shall be allowed by the court; and the said court may authorize him, immediately after the inventory and appraisement of such estate, to sell such as are perishable or may depreciate by delay, and to account for the same; and for the whole trouble incurred by such collector, the court may allow such commission on the amount of the said personal estate as shall be actually collected and delivered to the proper executor or administrator, as aforesaid, as said court may deem just and reasonable: *Provided*, the same shall not exceed six per cent. on the amount stated in such inventory or bill of appraisement. Power to collect
Commission.

§ 16. Every such collector may commence suits for debts due to the decedent, and release the same on payment thereof; and no such suit shall abate by the revocation of his letters, but the same may be prosecuted to a final decision, in the name of and by the executor or administrator to whom letters testamentary or of administration may be granted. Suits for debts.

§ 17. On the granting of letters testamentary or of administration, the power of any such collector, so appointed, shall cease, and it shall be his duty to deliver, on demand, all property and money of the deceased which shall have come to his hands or possession, (saving such commission Powers to cease.

Forfeit claim
to commission.

as may be allowed by the court, as aforesaid,) to the person or persons obtaining such letters; and in case any such collector shall refuse or neglect to deliver over such property or money to his successor, when legal demand is made therefor, such person so neglecting or refusing shall be liable to pay twenty per cent. over and above the amount of all such property or money as comes to his hands by virtue of his administration, and is not paid or delivered over as aforesaid, and shall forfeit all claim to any commission for collecting and preserving the estate—which said twenty per cent., together with all damages which may be sustained by reason of the breach of any bond which may at any time be given by any such collector, may be sued for and recovered by the person or persons to whom letters testamentary or of administration may be granted, for the use of the estate of such decedent.

GRANTING LETTERS OF ADMINISTRATION.

Letters of administration.

Widow to have preference.

§ 18. Administration shall be granted to the husband upon the goods and chattels of his wife, and to the widow or next of kin to the intestate, or some of them, if they will accept the same and are not disqualified; but in all cases the widow shall have the preference; and if no widow or other relative of the intestate applies within sixty days from the death of the intestate, the county court may grant administration to any creditor who shall apply for the same. If no creditor applies within fifteen days next after the lapse of sixty days, as aforesaid, administration may be granted to any person whom the county court may think will best manage the estate. In all cases where the intestate is a non-resident, or without a widow, next of kin or creditors in this state, but leaves property within the state, administration shall be granted to the public administrators of the proper county: *Provided*, that no administration shall in any case be granted until satisfactory proof be made before the county court, to whom application for that purpose is made, that the person in whose estate letters of administration are requested is dead, and died intestate: *And, provided, further*, that no non-resident of this state shall be appointed administrator, or allowed to act as such.

Evidence of relinquishment of prior right.

§ 19. Letters of administration upon the goods and chattels, rights and credits of a person dying intestate, shall not be granted to any person not entitled to the same, as husband, widow, next of kin, creditor or public administrator, within seventy-five days after the death of the intestate, without satisfactory evidence that the persons having the preference have relinquished their prior right thereto; but if application is made after the expiration of seventy-five days, the county court may proceed to grant letters to the applicant or any other person, as he may think fit.

§ 20. Before letters of administration shall hereafter be issued, the person applying for the same, or some other credible person, shall make and file an affidavit with the proper clerk, setting forth, as near as may be, the date of the death of the deceased, the probable amount or value of the personal estate, and the names of the heirs and widow, or surviving husband, if known. Affidavit to be filed.

§ 21. The form of administration hereafter to be issued in this state shall, as near as may be, be as follows, to-wit: Form of administration.

STATE OF ILLINOIS,) ss.
County of §

The People of the State of Illinois, to all to whom these presents shall come—
GREETING:

Know ye, that whereas, A B, of the county of, and state of Illinois, died intestate, as it is said, on or about the day of, A. D. 18.., having at the time of his decease, personal property in this state which may be lost, destroyed or diminished in value, if speedy care be not taken of the same; to the end, therefore, that said property may be collected and preserved for those who shall appear to have a legal right or interest therein, we do hereby appoint C D, of the county of, and state of Illinois, administrator of all and singular the goods and chattels, rights and credits, which were of the said A B at the time of his decease, with full power and authority to secure and collect the said property and debts wheresoever the same may be found in this state, and in general, to do and perform all other acts which now are or hereafter may be required of him by law.

Witness E F, clerk of the county court in and for the said county of, and the seal of said court, this day of ... , A. D. 18..

[L. S.]

E F, Clerk.

And in all cases where letters of administration with the will annexed, letters of administration *de bonis non*, or letters of administration to any public administrator are issued, the same shall be in conformity with the foregoing form, as nearly as may be, taking care to make the necessary variations, additions or omissions to suit each particular case.

§ 22. The county court shall, in all cases, upon granting administration of the goods and chattels, rights and credits of any person having died intestate, require the administrator (public administrators excepted) to take and subscribe and file with the clerk of the court an oath, in substance following, to-wit: Administrator to take and file oath.

I do solemnly swear (or affirm) that I will well and truly administer all and singular the goods and chattels, rights, credits and effects of A B, deceased, and pay all just claims and charges against his estate, so far as his goods, chattels and effects shall extend, and the law charge me; and that I will do and perform all other acts required of me by law, to the best of my knowledge and abilities.

§ 23. Every administrator, except as is hereinbefore in section eight provided, shall, before entering upon the duties of his office, enter into bond, with good and sufficient security, to be approved by the county court, in a sum double the value of the estate, and payable to the People of the State of Illinois, for the use of parties interested, substantially in the following form, to-wit: Administrator to enter into bond.

Know all men by these presents, that we, A B, C D and E F, of the county of, and state of Illinois, are held and firmly bound unto the People of the Form of bond.

State of Illinois, in the penal sum of dollars, current money of the United States, which payment, well and truly to be made and performed, we and each of us bind ourselves, our heirs, executors and administrators, jointly, severally and firmly, by these presents. Witness our hands and seals, this day of . . . , 18..

The condition of the above obligation is such that if the said A B, administrator of all and singular the goods and chattels, rights and credits of J K, deceased, do make, or cause to be made, a true and perfect inventory of all and singular the goods and chattels, rights and credits of the said deceased, which shall come to the hands, possession or knowledge of him, the said A B, as administrator, or to the hands of any person or persons for him; and the same so made, do exhibit, or cause to be exhibited, in the county court of the said county of , agreeably to law; and such goods and chattels, rights and credits, do well and truly administer according to law, and all the rest of the said goods and chattels, rights and credits, which shall be found remaining upon the account of the said administrator, the same being at first examined and allowed by the court, shall deliver and pay unto such person or persons, respectively, as may be legally entitled thereto; and further, do make a just and true account of all his actings and doings therein, when thereunto required by the said court; and if it shall appear that any last will and testament was made by the deceased, and the same be proved in court, and letters testamentary or of administration be obtained thereon, and the said A B do, in such case, on being required thereto, render and deliver up the letters of administration, granted to him as aforesaid, and shall in general do and perform all other acts which may at any time be required of him by law, then this obligation to be void; otherwise to remain in full force and virtue.

Filed in office
of county clerk.

Which said bond shall be signed and sealed by the said administrator and his securities, attested by the clerk of the county court, and filed in his office. And in all cases where bonds shall be taken from any administrator *de bonis non*, or in any other case where a form shall not be prescribed in this act, the same shall be made, as nearly as may be, in conformity with the form above prescribed, with corresponding variations to suit each particular case.

GENERAL PROVISIONS IN REGARD TO BONDS OF EXECUTORS AND ADMINISTRATORS.

§ 24. When two or more persons are appointed executors or administrators of the same estate, the court may take a separate bond, with sureties, from each, or a joint bond, with sureties, from all.

Suits on bonds.

§ 25. All bonds which may at any time be given by any executor or administrator, either with or without the will annexed, or *de bonis non*, to collect, or public administrator, may be put in suit and prosecuted against all or any one or more of the obligors named therein, in the name of the People of the State of Illinois, for the use of any person who may have been injured by reason of the neglect or improper conduct of any such executor or administrator, and such bonds shall not become void on the first recovery thereon, but may be sued upon, from time to time, until the whole penalty shall be recovered: *Provided*, that the person for whose use the same is prosecuted, shall be liable for all costs which may accrue in the prosecution of the same, in case the plaintiffs fail in their suit; and certified copies of all such bonds, under the seal of the clerk of the county

Costs.

court, shall be received as evidence to authorize such recovery in any court of law or equity of competent jurisdiction.

REVOKING LETTERS AND REQUIRING NEW BONDS.

§ 26. County courts shall revoke letters of administration in all cases where the same were granted to any person upon the false and fraudulent pretence of being a creditor of the estate upon which administration is granted, or upon any other false pretence whatever. Revoking letters.

§ 27. When it appears that such letters were fraudulently obtained by such administrator, the court revoking the same shall give judgment against the administrator for all costs of suit. Judgment for costs.

§ 28. If, at any time after letters of administration have been granted, a will of the deceased shall be produced, and probate thereof granted according to law, such letters of administration shall be revoked. When will is produced.

§ 29. In all cases where a will, testament or codicil shall have been proved and letters granted thereon, as aforesaid, and such will shall thereafter be set aside by due course of law, the letters granted thereon shall be revoked. When will is set aside.

§ 30. The county court may revoke all letters testamentary, or of administration, granted to persons who become insane, lunatic or of unsound mind, habitual drunkards, are convicted of infamous crimes, waste or mismanage the estate, or who conduct themselves in such manner as to endanger their co-executors, co-administrators or securities, in all which cases the court shall summon the person charged to be in default or disqualified, as aforesaid, to show cause why such revocation should not be made. When revocation is made, the reason therefor shall be stated at large upon the record. County court may revoke.

§ 31. When it shall come to the knowledge of the county court, by affidavit or otherwise, that any executor or administrator of an estate is about to remove or has removed beyond the limits of this state, it shall be the duty of such court to cause a notice to be published in some newspaper in the county where letters testamentary or of administration were granted, for four weeks successively; and if no newspaper is published in said county, then by posting up a notice at the court house door, notifying the said executor or administrator to appear before him within thirty days after the date of such notice, and make a settlement of his accounts as required by law. If the executor or administrator neglects or refuses to make such settlement, it shall be the duty of said county court to remove him from office. Removal of administrator.

§ 32. When any court grants letters, testamentary or of administration, of the estate of any person deceased, without taking good security as aforesaid, or when any security heretofore or hereafter taken becomes insufficient, the court Security.

may, on the application of any person entitled to distribution, or otherwise interested in such estate, require such executor or administrator to give other and sufficient security; and in default thereof the letters, testamentary or of administration, shall be revoked, and administration *de bonis non* granted; but all acts done according to law by the executor or administrator so removed prior to such revocation, shall be valid.

Petition
surety.

of § 33. When a surety for an executor or an administrator, or his representatives, may conceive himself or themselves in danger of suffering by the mismanagement of such executor or administrator, and shall petition the county court for relief, in writing, setting forth the cause of such apprehension, the said court shall examine such petition, and if the court shall deem the causes therein set forth sufficient to entitle such petitioner or petitioners to relief, if true he shall summon such executor or administrator to show cause against such petition; and may dismiss the same, or direct such executor or administrator either to give good counter security to save such petitioner or petitioners harmless, or to give a new bond in the like penalty as the first; and upon refusal or neglect to give such counter security or new bond, the letters granted to such executor or administrator may be revoked.

New bond.

§ 34. Whenever a new bond is required to be given by an executor or administrator under either of the two preceding sections, the formal part of the bond shall be as heretofore prescribed, with a condition thereto, substantially in the following form, to-wit:

Form of bond.

The condition of the above obligation is such, that whereas the above bounden A B, executor of the last will and testament of J K, deceased (or administrator of the goods and chattels, rights and credits of J K, deceased), has heretofore executed a bond, payable to the People of the State of Illinois, and for the discharge of his duties as executor (or administrator), as aforesaid, which said bond bears date on the day of, A. D. 18...; and whereas, by an order of the county court, made on the day of, A. D. 18..., other bond and security has been required of the said executor (or administrator). Now, therefore, if the said executor (or administrator) shall well and truly have kept and performed and shall well and truly keep and perform the conditions of the bond first given, as aforesaid, in all respects according to law, and shall in all respects have performed, and shall continue to perform, the duties of his office, as aforesaid, then this obligation to be void: otherwise to remain in full force and virtue.

Which bond shall be signed, sealed, approved, attested and filed in the same manner as other executors' or administrators' bonds, and shall have relation back to the time of granting letters testamentary or of administration.

Surety desiring
to be released.

§ 35. Whenever any surety on the bond of any executor or administrator desires to be released from further liability upon any such bond, he may petition the court in which said bond is filed, for that purpose, and upon notice being given to the executors or administrators, as the court may direct, the court shall compel such executor or admin-

istrator within a reasonable time, to be fixed by the court, to settle and adjust his accounts, and pay over whatever balance may be found in his hands, and file in such court a new bond, in such penalty and security as may be approved by the court—which being done, the surety may be discharged from all liability on such bond.

§ 36. If such executor or administrator shall fail to comply with such order within the time fixed by the court, the court shall order that such executor or administrator be removed from his office, and shall appoint some other fit person as administrator, with the will annexed, or *de bonis non*, who shall give a bond as required by law. And in case of the failure of the former executor or administrator to settle his accounts and to pay over to the person so appointed all moneys, effects or choses in action in his hands by reason of his said office, then such successor shall proceed to collect the same by suit against such executor or administrator, or by suit upon his bond; and upon collection thereof such surety shall be discharged.

Executor failing to comply.

§ 37. When a sole or surviving executor or administrator dies without having fully administered the estate, if there is personal property not administered, or are debts due from the estate, or is anything remaining to be performed in the execution of the will, the county court shall grant letters of administration, with the will annexed, or otherwise, as the case may require, to some suitable person, to administer the estate of the deceased not already administered: *Provided*, that when there is still a surviving executor or administrator, he may proceed to administer the estate, unless otherwise provided.

Sole or surviving executor.

§ 38. Where the letters of one of several executors or administrators is revoked, or one or more of the executors or administrators die or become disqualified, the court may join others in their place, and require additional bonds from the new administrator or administrators; or the survivor or survivors, or such as shall not have their powers revoked, shall proceed to manage the estate. When the letters of all of them are revoked, or all of such executors or administrators die before final settlement and distribution of the estate, administration, with the will annexed, or *de bonis non*, shall be granted to the persons next entitled thereto.

When one is removed.

When all are disqualified.

§ 39. In all cases where any such executor or administrator shall have his letters revoked, he shall be liable on his bond to such subsequent administrator, or to any other person aggrieved, for any mismanagement of the estate committed to his care; and the subsequent administrator may have and maintain actions against such former executor or administrator for all such goods, chattels, debts and credits as shall have come to his possession, and which are withheld or have been wasted, embezzled or misapplied, and no satisfaction made for the same.

Liable on bond.

RESIGNATION OF EXECUTOR OR ADMINISTRATOR.

Resignation. § 40. An executor or administrator may, upon his petition and upon giving such notice to the legatees, devisees or distributors, as the court shall direct, be allowed to resign his trust when it appears to the county court to be proper; and upon such resignation the court shall grant letters of administration, with the will annexed, or *de bonis non*, to some suitable person, to administer the goods and estate not already administered. But no administrator or executor shall be discharged till he shall have made full settlement with the court and complied with its orders, and shall deliver over to his successor all money, chattels and effects of the estate in his hands not paid over according to the orders of the court.

Costs. § 41. The applicant for discharge shall pay all costs incurred thereby, and the court shall render a judgment against him for all such costs, which may be collected by execution, as in case of other judgments.

FOREIGN EXECUTORS AND ADMINISTRATORS.

Foreign executors and administrators. § 42. When any person has proved or may prove the last will and testament of any deceased person, and taken on him the execution of said will, or has obtained or may obtain administration of the estate of an intestate in any state in the United States, or in any territory thereof, such person shall be enabled to prosecute suits to enforce claims of the estate of the deceased, or to sell lands to pay debts, in any court in this state, in the same manner as if letters testamentary or of administration had been granted to him under the provisions of the laws of this state: *Provided*, that such persons shall produce a copy of the letters testamentary or of administration, authenticated in the manner prescribed by the laws of congress of the United States for authenticating the records of judicial acts in any one state, in order to give them validity in other states: *And, provided*, that said executor or administrator shall give a bond for costs, as in case of other non-residents.

Bond. **Letters granted in this state.** § 43. Nothing contained in the preceding section shall be so construed as to apply to cases where administration is obtained upon the estate of any intestate nor where letters testamentary are granted in this state; and when, after any suit is commenced by any administrator or executor under the provisions of the preceding section, and before final judgment thereon, administration is had, or execution undertaken within this state, under the laws of the same, upon the estate of any decedent, upon suggestion of such fact, entered of record, the said resident, administrator or executor shall, upon motion, be substituted as party to such

suit; and thereupon the court shall proceed to hear and determine the same, as if it had been originally instituted in the name of the said resident, executor or administrator, and the benefits of the judgment, order or decree shall enure to him, and be assets in his hands.

PUBLIC ADMINISTRATORS.

§ 44. The governor of this state, by and with the advice and consent of the senate, shall appoint in each county in this state, where such appointments have not already been made, or as often as any vacancies may occur, a suitable person, to be known as public administrator of such county. Governor to appoint.

§ 45. Every person appointed as a public administrator shall, before entering upon the duties of his office, take and subscribe and file in the office of the clerk of the county court, the following oath, to-wit: To take oath.

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States, and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of public administrator of . . . county, according to the best of my ability.

§ 46. Whenever any person dies seized or possessed of any real estate within this state, or having any right or interest therein, has no relative or creditor within this state who will administer upon such deceased person's estate, it shall be the duty of the county court, upon application of any person interested therein, to commit the administration of such estate to the public administrator of the proper county. County court to administer.

§ 47. It shall be the duty of the county judge, upon granting letters of administration to a public administrator, to take bond the same as other administrators; and if any public administrator shall neglect or refuse to take out letters of administration, and give bond as aforesaid, within sixty days after it becomes his duty to do so, his office shall be deemed vacant, and upon the certificate of the county judge of such fact, the governor shall fill such vacancy, as aforesaid. Judge to take bond.

§ 48. Whenever administration is granted to any public administrator, and it shall afterwards appear that there is a widow or next of kin, or creditor of the deceased, entitled to the preference of administration by this act, it shall be the duty of the county court to revoke the letters granted to such public administrator, and to grant the same to such widow, next of kin or creditor, as is entitled thereto: *Provided*, application is made by such person, within six months after letters were granted to the public administrator; saving to such administrator, in all cases, all such sums of money on account of commissions or expenses as are due to, or incurred by him, in the management of said estate. Letters to be revoked.

Balance re- § 49. If any balance of any such intestate estate as may, at any time, be committed to any public administrator, shall remain in the hands of such administrator, after all just debts and charges against such estate, which have come to the knowledge of such public administrator within two years after the administration of such estate was committed to him, are fully paid, such administrator shall cause the amount thereof, with the name of the intestate, the time and place of his decease, to be published in some newspaper published in his county, or if no newspaper is published in his county, then in the nearest newspaper published in this state, for eight weeks successively, notifying all persons having claims or demands against such estate to exhibit the same, together with the evidence in support thereof, before the county court of the proper county, within six months after the date of such notice, or that the same will be forever barred; and if no such claim is presented for payment or distribution within the said time of six months, such balance shall be paid into the treasury of said county; and the county shall be answerable for the same, without interest, to such persons as shall thereafter appear to be legally entitled, on order of the county court, to the same, if any such shall ever appear.

Balance maining. re-

Notice to claim- ants.

Paid into the county treasury.

Public admin- istrator to protect.

Expenses.

§ 50. Upon the death of any person intestate, not leaving a widow, or next of kin, or creditor, within this state, the public administrator of the county wherein such person may have died, or when the decedent is a non-resident, the public administrator of the county wherein the goods and chattels, rights and credits of such decedent shall be, may take such measures as he may deem proper to protect and secure the effects of such intestate from waste or embezzlement, until administration thereon is granted to the person entitled thereto—the expenses whereof shall be paid to such public administrator, upon the allowance of the county court, in preference to all other demands against such estate, funeral expenses excepted.

INVENTORIES AND APPRAISEMENT.

Inventory.

§ 51. Whenever letters testamentary, of administration, or of collection are granted, the executor or administrator shall make out a full and perfect inventory of all such real and personal estate, or the proceeds thereof, as are committed to his superintendence and management, and as shall come to his hands, possession or knowledge, describing the quantity, situation and title of the real estate, and particularly specifying the nature and amount of all annuities, rents, goods, chattels, rights and credits and money on hand, and whether the credits are good, doubtful or desperate; which said inventory shall be returned to the office

of clerk of the county court, within three months from the date of the letters testamentary or of administration.

§ 52. If, after making the first inventory, any other real or personal estate of the deceased comes to his possession or knowledge, he shall file a similar additional inventory thereof. Additional inventory.

§ 53. On granting letters testamentary or of administration, a warrant shall issue, under the seal of the county court, authorizing three persons of discretion, not related to the deceased nor interested in the administration of the estate, to appraise the goods, chattels and personal estate of the deceased, known to them or to be shown by the executor or administrator; which warrant shall be in the following form, to-wit: Warrant of appraisal.

The People of the State of Illinois, to A B, C D and E F, of the county of, and State of Illinois—GREETING:

This is to authorize you, jointly, to appraise the goods, chattels and personal estate of J K, late of the county of, and state of Illinois, deceased, so far as the same shall come to your sight and knowledge—each of you having first taken the oath (or affirmation) hereto annexed, a certificate whereof you are to return, annexed to an appraisement bill of said goods, chattels and personal estate by you appraised, in dollars and cents; and in the said bill of appraisement you are to set down, in a column or columns, opposite to each article appraised, the value thereof. Form of warrant.

Witness: A B, clerk of the county court of county, and the seal of said court, this day of, 18...

[L. S.]

A B, Clerk.

And on the death, refusal to act, or neglect of any such appraiser, another may be appointed in his place. Appointment of another.

§ 54. The appraisers, before they proceed to the appraisement of the estate, shall take and subscribe the following oath (or affirmation), to be annexed or indorsed on the said warrant, before any person authorized to administer an oath, viz: Appraisers to take oath.

We, and each of us, do solemnly swear (or affirm) that we will well and truly, without partiality or prejudice, value and appraise the goods, chattels and personal estate of J K, deceased, so far as the same shall come to our sight and knowledge; and that we will, in all respects, perform our duties as appraisers to the best of our skill and judgment.

After which the said appraisers shall proceed, as soon as conveniently may be, to the discharge of their duty, and shall set down each article, with the value thereof, in dollars and cents, as aforesaid. All the valuations shall be set down on the right-hand side of the paper, in one or more columns, in figures, opposite to the respective articles of property, and the contents of each column shall be cast up and set at the foot of the respective columns. Manner of appraisement.

§ 55. When the bill of appraisement is completed, the appraisers shall certify the same under their hands and seals; and shall deliver the same into the hands of the executor or administrator, to be, by him, returned into the office of the clerk of the county court, within three months from the date of his letters. When bill is completed.

- Evidence in suits. § 56. Inventories and bills of appraisement and authenticated copies thereof, may be given in evidence in any suit by or against the executor or administrator, but shall not be conclusive for or against him, if any other testimony be given that the estate was really worth, or was *bona fide* sold for more or less than the appraised value thereof.
- Personal property. § 57. Whenever personal property of any kind, or assets, shall come to the possession or knowledge of any executor or administrator, which are not included in the first bill of appraisement as aforesaid, the same shall be appraised, and return thereof made to the office of the clerk of the county court in like manner, within three months after discovery of the same.
- Liability of executors. § 58. Executors and administrators shall be chargeable with so much of the estate of the decedent, personal or real, as they, after due and proper diligence, might or shall receive.
- Compensation. § 59. Every appraiser appointed under this act shall be entitled to the sum of two dollars per day for each day's necessary attendance in making all such appraisements, to be allowed by the county court, and paid upon its order by the executor or administrator. If the administrator or executor of an estate discovers, at any time after an inventory and appraisement of the property is made, that the personal property and assets of the estate do not exceed the amount of the widow's allowance, after deducting the necessary expenses incurred, such administrator or executor shall report the facts to the court, and if the court finds the report to be true, he shall order said property and assets to be delivered to the widow by the administrator or executor, and discharge the executor or administrator from further duty; but such executor or administrator shall first pay out of the property and assets the costs and expenses of administration. After the court orders the delivery of such property and assets to the widow, the clerk of said court shall make and deliver to her a certified copy of the order, under seal, which shall vest her with complete title to said property and assets, and enable her to sue for and recover the same in her own name and for her own use. Such widow shall not be liable for any of decedent's debts or liabilities, excepting the funeral expenses of the deceased. If, upon affidavit being filed with the clerk of said court, that such administrator or executor fails or refuses to report in any case provided for in this section, the court may order a citation and attachment to issue as in other cases of a failure of administrators to report. And on a discovery of new assets, administration may be granted as in other cases, and charged to the account of the estate.
- Failure of executor to report

CLAIMS AGAINST ESTATES.

§ 60. Every administrator or executor shall fix upon a term of the court, within six months from the time of his being qualified as such administrator or executor, for the adjustment of all claims against such decedent, and give notice thereof in some public newspaper published in the county, or if no newspaper is published in the county, then in the nearest newspaper in this state, and also, by putting up a written or printed notice on the door of the court house, and in five other of the most public places in the county, notifying and requesting all persons having claims against such estate to attend at said term of the court for the purpose of having the same adjusted, (said notice to be given at least six weeks previous to said term,) when and where such claimant shall produce his claim, in writing; and if no objection is made to said claim by the executor, administrator, widow, heirs, or others interested in said estate, and the claimant swears that such claim is just and unpaid, after allowing all just credits, the court may allow such claim without further evidence, but if objection is made to such claim, the same shall not be allowed without other sufficient evidence. The court may allow either party further time to produce evidence in his favor, and the case shall be tried and determined as other suits at law. Either party may demand a jury of either six or twelve men, to try the issue, and it shall be the duty of county clerk, when a jury is demanded, to issue a *venire* to the sheriff of the county to summons a jury, to be composed of the number demanded.

Notice of adjustment.

§ 61. Whoever has a claim against an estate, and fails to present the same for adjustment at the term of court selected by the executor or administrator, may file a copy thereof with the clerk of the court; whereupon, unless the executor or administrator will waive the issuing of process, the clerk shall issue a summons, directed to the sheriff of the county, requiring such executor or administrator to appear and defend such claim at a term of court therein specified, which summons, when served, shall be sufficient notice to the executor or administrator of the presentation of such claim.

Failure to present.

§ 62. If the summons is not served ten days before the first day of the term to which it is returnable, the cause shall be continued until the next term of the court, unless the parties shall, by consent, proceed to trial at the return term.

Summons.

§ 63. Upon the trial of such cause, the same proceedings may be had as if the claim had been presented at the time fixed for the adjustment of claims against the estate, but the estate shall not be answerable for the costs of such proceeding: *Provided*, that when defense is made the court may,

Proceedings.

if it shall deem just, order the whole or some part of the costs occasioned by such defense, to be paid out of the estate.

Claimant to make oath. § 64. The court may, in its discretion in any case, before giving judgment against any executor or administrator, require the claimant to make oath that such claim is just and unpaid: *Provided*, that the amount of such judgment shall not in such case be increased upon the testimony of the claimant.

Judgment and instruments in writing. § 65. A judgment regularly obtained, or a copy thereof duly certified and filed with the court, shall be taken as duly proven; and all instruments in writing, signed by the testator or intestate, if the hand-writing is proven and nothing is shown to the contrary, shall be deemed duly proved.

Debts. § 66. When a claim is filed or suit brought against an executor or administrator, and it appears on trial that such claimant or plaintiff is indebted to such executor or administrator, the court may give judgment therefor, and execution may issue thereon in favor of the executor or administrator.

Claims not due. § 67. Any creditor, whose debt or claim against the estate is not due, may, nevertheless, present the same for allowance and settlement, and shall, thereupon, be considered as a creditor under this act, and shall receive a dividend of the said decedent's estate, after deducting a rebate of interest for what he shall receive on such debt, to be computed from the time of the allowance thereof to the time such debt would have become due, according to the tenor and effect of the contract.

Allowance or rejection. § 68. In all cases of the allowance or rejection of claims by the county court, as provided in this act, either party may take an appeal from the decision rendered to the circuit court of the same county, in the same time and manner appeals are now taken from justices of the peace to the circuit courts, by appellant giving good and sufficient bond with security to be approved by the county judge; and such appeals shall be tried *de novo* in the circuit court.

Where judge is interested. § 69. In all cases or matters pending in the county court, where the judge of that court shall be interested in the same, or is a material and necessary witness, the case shall be transmitted to the circuit court of the proper county, and there determined as in the county court; and the papers, with the order or judgment of the circuit court thereon, shall be duly certified and filed in the county court, and have the same effect as if determined in the county court.

Classes. § 70. All demands against the estate of any testator or intestate shall be divided into classes, in manner following, to-wit:

First—Funeral expenses.

Second—The widow's award, if there is a widow; or children, if there are children and no widow.

Third—Expenses attending the last illness, not including physician's bill.

Fourth—Debts due the common school or township fund.

Fifth—All expenses of proving the will, and taking out letters testamentary or of administration, and settlement of the estate, and the physician's bill in the last illness of the deceased.

Sixth—Where the decedent has received money in trust for any purpose, his executor or administrator shall pay out of his estate the amount thus received and not accounted for.

Seventh—All other debts and demands of whatsoever kind, without regard to quality or dignity, which shall be exhibited to the court within two years from the granting of letters as aforesaid, and all demands not exhibited within two years as aforesaid, shall be forever barred, unless the creditors shall find other estate of the deceased, not inventoried or accounted for by the executor or administrator, in which case their claims shall be paid *pro rata* out of such subsequently discovered estate, saving, however, to *femes covert*, infants, persons of unsound mind, or imprisoned, or without the United States in the employment of the United States or of this state, the term of two years after their respective disabilities are removed, to exhibit their claims.

§ 71. All claims against estates, when allowed by the county court, shall be classed and paid by the executor or administrator, in the manner provided in this act, commencing with the first class; and when the estate is insufficient to pay the whole of the demands, the demands in any one class shall be paid, *pro rata*, whether the same are due by judgment, writing obligatory, or otherwise, except as otherwise provided.

Claims to be classed.

§ 72. When an executor or administrator has a demand against his testator or intestate's estate, he shall file his demand as other persons; and the court shall appoint some discreet person to appear and defend for the estate, and, upon the hearing, the court or jury shall allow such demand, or such part thereof as is legally established, or reject the same, as shall appear just. Should any executor or administrator appeal in such case, the court shall appoint some person to defend as aforesaid.

When executor has demand.

§ 73. The county court shall make an entry of all demands against estates, classing the same as above provided, and file and preserve the papers belonging to the same. If an executor or administrator pays a claim before the same is allowed as aforesaid, said court shall require such executor or administrator to establish the validity of such claim by the like evidence as is required in other cases, before the same is classed, and be credited therewith.

Papers to be filed.

AWARD TO WIDOW OR CHILDREN.

Award to widow.

§ 74. The widow, residing in this state, of a deceased husband whose estate is administered in this state, whether her husband died testate or intestate, shall, in all cases, in exclusion of debts, claims, charges, legacies and bequests, except funeral expenses, be allowed, as her sole and exclusive property forever, the following, to-wit:

First—The family pictures and the wearing apparel, jewels and ornaments of herself and her minor children.

Second—School books and family library of the value of one hundred dollars.

Third—One sewing machine.

Fourth—Necessary beds, bedsteads and bedding for herself and family.

Fifth—The stoves and pipe used in the family, with the necessary cooking utensils; or, in case they have none, fifty dollars in money.

Sixth—Household and kitchen furniture to the value of one hundred dollars.

Seventh—One milch cow and calf for every four members of her family.

Eighth—Two sheep for each member of her family, and the fleeces taken from the same, and one horse, saddle and bridle.

Ninth—Provisions for herself and family for one year.

Tenth—Food for the stock above specified, for six months.

Eleventh—Fuel for herself and family for three months.

Twelfth—One hundred dollars worth of other property suited to her condition in life, to be selected by the widow.

Which shall be known as the widow's award; or the widow may, if she elect, take and receive in lieu of the foregoing, the same personal property, or money in place thereof, as is or may be exempt from execution or attachment against the head of a family residing with the same.

Appraisers to estimate value.

§ 75. The appraisers shall make out and certify to the county court an estimate of the value of each of the several items of property allowed to the widow; and it shall be lawful for the widow to elect whether she will take the specific articles set apart to her, or take the amount thereof out of other personal property at the appraised value thereof, or whether she will take the amount thereof in money, or she may take a part in property and a part in money, as she may prefer; and in all such cases it shall be the duty of the executor or administrator to notify the widow as soon as such appraisement shall be made, and to set apart to her such article or articles of property, not exceeding the amount to which she may be entitled, and as she may prefer or select, within thirty days after written application shall be made for that purpose by such widow.

And if any such executor or administrator shall neglect or refuse to comply with the above requisition, when application shall be made for that purpose, he shall forfeit and pay for the use of such widow the sum of twenty dollars per month for each month's delay to set apart said property so selected, after the said term of thirty days shall have elapsed, to be recovered in the name of the People of the State of Illinois, for the use of such widow, in any court having jurisdiction of the same. When there is not property of the estate, of the kinds mentioned in the preceding section, the appraisers may award the widow a gross sum in lieu thereof, except for family pictures, jewels and ornaments.

§ 76. The right of a widow to her award shall in no case be affected by her renouncing or failing to renounce the benefit of the provisions made for her in the will of her husband, or otherwise.

Widow's right to award.

§ 77. When the person dying is at the time of his death a housekeeper, the head of a family, and leaves no widow, there shall be allowed to the children of the deceased, residing with him at the time of his death (including all males under eighteen years of age, and all females), the same amount of property as is allowed to the widow by this act.

Allowance to children.

WIDOW OR SURVIVING HUSBAND MAY RENOUNCE WILL.

§ 78. The widow or surviving husband of a testate may, at any time within one year from the time at which the will of her or his testate husband or wife was admitted to probate, renounce in writing all her or his claim to the legacies and bequests made for her or him in such will, in which case she or he shall be allowed the same property as if the husband or wife had died intestate.

May renounce in writing.

§ 79. In all cases where a widow or surviving husband shall renounce all benefit under the will, and the legacies and bequests therein contained, to other persons, shall, in consequence thereof, become diminished or increased in amount, quantity or value, it shall be the duty of the court, upon settlement of such estate, to abate from or add to such legacies and bequests in such manner as to equalize the loss sustained or advantage derived thereby, in a corresponding ratio to the several amounts of such legacies and bequests, according to the amount or intrinsic value of each.

Where legacies are increased or diminished.

§ 80. If the widow commits waste in the lands and tenements, or the personal estate of the deceased, she shall be liable to an action by the heir or devisee, or his or her guardian, if of real estate, or by the executor or administrator if of personal estate; and if she marry a subsequent husband, he shall be answerable with her, in damages, for any waste committed by her or by the husband himself, after such marriage.

Widow liable for waste.

COLLECTION AND DISPOSITION OF ASSETS.

Concealed or
embezzl'd goods.

§ 81. If any executor or administrator, or other person interested in any estate, shall state upon oath to any county court that he believes that any person has in possession, or has concealed or embezzled any goods, chattels, moneys or effects, books of account, papers, or any evidences of debt whatever, or titles to lands, belonging to any deceased person, the court shall require such person to appear before it by citation, and may examine him on oath and hear the testimony of such executor or administrator, and other evidence offered by either party, and make such order in the premises as the case may require.

Refusal to an-
swer.

§ 82. If such person refuses to answer such proper interrogatories as may be propounded to him, or refuses to deliver up such property or effects, or in case the same has been converted, the proceeds or value thereof, upon a requisition being made for that purpose by an order of the said court, such court may commit such person to jail until he shall comply with the order of the court therein.

Claims belong-
ing to estates.

§ 83. Upon suggestion made by an executor or administrator, to the county court, that any claim, debt or demand whatever belonging to the estate in his hands to be administered, and accruing in the lifetime of the decedent, is desperate on account of the insolvency or doubtful solvency of the person or persons owing the same, or on account of the debtor having availed himself of the bankrupt law of the United States, or on account of some legal or equitable defense which such person or persons may allege against the same, or for the cause that the smallness of such claim, debt or demand, and the difficulty of finding the debtors, owing to the remoteness of their residence, or such executor's or administrator's ignorance of the same, the said court may order such claim, debt or demand to be compounded or sold, or to be filed in the said court for the benefit of such of the heirs, devisees or creditors of such decedent as will sue for and recover the same, giving the creditors the preference, if they or any of them apply for the same before the final settlement of such estate: *Provided*, that no order for the sale or compounding of any such debts, claims or demands, or any of them, shall be made until two weeks' public notice shall have been given, to all whom it may concern, of the time and place when the said order will be applied for—which notice shall be given by the administrator or executor, in a newspaper published in the county where such application is to be made, or if no such newspaper is published in such county, then by posting up such notices in not less than three public places in the county, of which one shall be at the office of the clerk of the county court—which notice shall be so posted at least

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two weeks previous to the time of said application. The executor or administrator shall report to the said county court, for its approval, the terms upon which he has settled or disposed of any such claim, debt or demand.

§ 84. And if such claim is compounded or sold, such executor or administrator shall be chargeable with the avails of such compounding, and if the same is taken by any of the creditors, heirs or devisees, he or they may maintain an action for the recovery thereof, in the name of such executor or administrator, for the use hereinafter mentioned; and upon recovering the same, or any part thereof, he or they shall be chargeable therewith, after deducting his claim or distributive share, with reasonable compensation for collecting the same; and upon such suits the executor or administrator shall not be liable for costs. When claim is sold.

§ 85. The county court may order claims, debts and demands—due at so remote a period as to prevent their collection within the time required for the final settlement of estates, and the collection or disposition of which is necessary to the payment of the debts against the estate—to be compounded or sold in the same manner and upon like conditions as though such claims, debts or demands were desperate or doubtful: *Provided*, that no such claim, debt or demand shall be sold or compounded for less than ten per cent. below the value thereof. Court may order claims compounded.

§ 86. No executor or administrator shall, without the order of the court, remove any property wherewith he is charged, by virtue of his letters, beyond the limits of this state. And in case any such executor or administrator shall remove such property without such order, the court shall, on notice, forthwith revoke his letters and appoint a successor, and cause a suit to be instituted on his bond, against him and his security, for the use of the person interested in the estate; and if it shall appear, upon the trial of such cause, that the executor or administrator has so removed such property, judgment shall be rendered against the offender and his securities for the full value thereof, and such other damages as the parties interested may have sustained by reason thereof. Removal of property.

PARTNERSHIP ESTATE.

§ 87. In case of the death of one partner, the surviving partner or partners shall proceed to make a full, true and complete inventory of the estate of the co-partnership within his knowledge; and shall also make a full, true and complete list of all the liabilities thereof at the time of the death of the deceased partner. He or they shall cause the said estate to be appraised in like manner as the individual property of a deceased person. Death of partner

Inventory.

§ 88. He or they shall return, under oath, such inventory, list of liabilities and appraisement, within sixty days after the death of the co-partner, to the county court of the county of which the deceased was a resident or carried on the partnership business at the time of his death; if the deceased shall have been a non-resident, then such return shall be made to the county court granting administration upon the effects of the deceased. Upon neglect or refusal to make such return, he shall, after citation, be liable to attachment.

Surviving partner in possession.

§ 89. Such surviving partner or partners shall have the right to continue in possession of the effects of the partnership, pay its debts out of the same, and settle its business, but shall proceed thereto without delay, and shall account with the executor or administrator, and pay over such balances as may, from time to time, be payable to him in the right of his testator or intestate. Upon the application of the executor or administrator, the county court may, whenever it may appear necessary, order such surviving partner to render an account to said county court, and in case of neglect or refusal may, after citation, compel the rendition of such account by attachment.

Waste by surviving partner.

§ 90. Upon the committal of waste by the surviving partner or partners, the court may, upon proper application, under oath, setting forth specifically the facts and circumstances relied on, protect the estate of the deceased partner, by citing forthwith the surviving partner or partners to give security for the faithful settlement of the affairs of the co-partnership, and for his accounting for and paying over to the executor or administrator of the deceased whatever shall be found to be due, after paying partnership debts and costs of settlement, within such time as shall be fixed by the court. The giving of such security may be enforced by attachment, or, upon refusal to give such security, the court may appoint a receiver of the partnership property and effects, with like powers and duties of receivers in courts of chancery—the costs of proceedings under this section to be paid by the executor or administrator, out of the estate of the deceased or surviving partner, or partly by each, as the court may order.

Costs of proceedings.

SALE OF PERSONAL PROPERTY.

Sale of personal property.

§ 91. When it is necessary for the proper administration of the estate, the executor or administrator shall, as soon as convenient, after making the inventory and appraisement, sell at public sale all the personal property, goods and chattels of the decedent, when ordered to do so by the county court, (not reserved to the widow, or included in specific legacies and bequests, when the sale of such legacies and bequests is not necessary to pay debts,) upon giving three

weeks' notice of the time and place of such sale, by at least four advertisements, set up in the most public places in the county where the sale is to be made, or by inserting an advertisement in the nearest newspaper published in this state, to the place of such sale, at least four weeks successively, previous thereto. The sale may be upon a credit of not less than six nor more than twelve months time, by taking note with good security of the purchasers at such sale. The sale may be for all cash, or part cash and part on time: *Provided*, that any part or all of such personal property may, where so directed by the court, be sold at private sale.

§ 92. If any testator directs that his estate shall not be sold, the same shall be preserved in kind, and distributed accordingly, unless such sale becomes absolutely necessary for the payment of the debts and charges against the estate of such testator. Estate not to be sold.

§ 93. If the sale of the personal property is not necessary for the payment of debts or legacies, or the proper distribution of the effects of the estate, the court may order that the property be preserved and distributed in kind. Property to be preserved.

§ 94. If any executor or administrator is of opinion that it would be of advantage to the estate of the decedent to dispose of the crop growing, and not devised at the time of his decease, the same shall be inventoried, appraised and sold, in like manner as other personal property; but the executor or administrator may, if he believes it would be of more advantage to the estate, cultivate such crop to maturity, and the proceeds of such crop, after deducting all necessary expenses for cultivating, gathering and making sale of the same, shall be assets in his hands, and subject to the payment of debts and legacies, and to distribution as aforesaid. Disposal of crop

§ 95. In all public sales of such property, the executor or administrator may employ necessary clerks and a crier, who shall be allowed such compensation, not exceeding three dollars per day, as the court may deem reasonable, to be paid by such executor or administrator, and charged to the estate. All such sales shall be made between the hours of ten o'clock in the forenoon and five o'clock in the afternoon of each day; and any sale made before or after the time herein limited, shall be voidable at the instance of heirs, devisees or creditors prejudiced thereby. Employment of clerks.
Time of sale.

§ 96. All executors and administrators shall, immediately after making such sales, make, or cause to be made, a bill of the sales of said estate, under oath, describing particularly each article of property sold, to whom sold, and at what price; which sale bill, when thus made and certified by the clerk of such sale and the crier thereof, if any such was employed, as true and correct, shall be returned into the office of the clerk of the county court in the like time as is required in cases of inventories and appraisements. Bill of sales.

SALE OF REAL ESTATE.

Power to sell.

§ 97. In all cases, where power is given in any will to sell and dispose of any real estate, or interest therein, and the same is sold and disposed of in the manner and by the persons appointed in such will, the sales shall be good and valid; and where one or more executors shall fail or refuse to qualify, or depart this life before such sales are made, the survivor or survivors shall have the same power and their sales shall be as good and valid as if they all joined in such sales.

When personal estate is insufficient.

§ 98. When the executor or administrator has made a just and true account of the personal estate and debts to the county court, and it is ascertained that the personal estate of a decedent is insufficient to pay the just claims against his estate, and there is real estate to which such decedent had claim or title, such real estate, or such portion as may be necessary to satisfy the indebtedness of such decedent, and the expenses of administration, may be sold in the manner herein provided.

Proceedings.

§ 99. The mode of commencing the proceedings for the sale of real estate in such cases shall be by the filing of a petition by the executor or administrator, in the county court of the county where letters testamentary or administration were issued. The widow, heirs and devisees of the testator or intestate, and the guardians of any such as are minors, and the conservators of such as have conservators, and the actual occupants of the premises, where the same or any part thereof are occupied, shall be made parties defendants. If there are persons interested in the premises whose names are not known, then they shall be made parties by the name of unknown owners.

Petition.

§ 100. The petition shall set forth the facts and circumstances on which the petition is founded, in which shall be stated the amount of claims allowed, with an estimate of the amount of just claims to be presented, and it shall also contain the amount of personal estate which has come to his hands, and the manner in which he has disposed of the same, with a statement of the amount of claims paid. The petition shall be signed by the executor or administrator, and verified by his affidavit, and shall be filed at least ten days before the commencement of the term of court at which the application shall be made.

Petition amended

§ 101. Such application shall be docketed as other causes, and the petition may be amended, heard or continued for notice, or for other cause. The practice in such cases shall be the same as in cases in chancery.

Summons.

§ 102. Upon the filing of the petition, the clerk of the court where the same may be filed shall issue a summons, directed to the sheriff of the county in which the defendant

resides, if the defendant is a resident of this state, requiring him to appear and answer the petition on the return day of the summons; and where there are several defendants, residing in different counties, a separate summons shall be issued to each county, including all the defendants residing therein. Every summons shall be made returnable to the first term of the county court after the date thereof, unless the petition is filed within ten days immediately preceding any term, in which case the summons shall be returnable to the next term thereafter.

§ 103. The service of summons shall be made by reading thereof to the defendant, or leaving a copy thereof at the usual place of abode, with some member of the family of the age of ten years and upwards, and informing such person of the contents thereof, which service shall be at least ten days before the return of such summons. Service of summons.

§ 104. Whenever any petitioner or his attorney shall file, in the office of the clerk of the court in which his petition is pending, an affidavit showing that any defendant resides or hath gone out of this state, or on due inquiry cannot be found, or is concealed within this state, so that process cannot be served upon him, and stating the place of residence of such defendant, if known; or that, upon diligent inquiry, his place of residence cannot be ascertained, the clerk shall cause publication to be made in some newspaper printed in his county, and if there is no newspaper published in his county, then in the nearest newspaper published in this state, containing notice of the filing of the petition, the names of the parties thereto, the title of the court, and the time and place of the return of summons in the case, and a description of the premises described in the petition; and he shall also, within ten days of the first publication of such notice, send a copy thereof by mail, addressed to such defendant whose place of residence is stated in such affidavit. The certificate of the clerk that he has sent such notice in pursuance of this section, shall be evidence. When process cannot be served.

§ 105. The notice required in the preceding section may be given at any time after the filing of the petition, and shall be published at least once in each week for four successive weeks, and no default or proceeding shall be taken against any defendant not served with summons, and not appearing, unless forty days shall intervene between the first publication, as aforesaid, and the first day of the term at which such default or proceeding is proposed to be taken. Notice.

§ 106. When it appears that any of the persons required to be made parties defendant, who have been served with summons or notified as aforesaid, are minors under the age of twenty-one years if males, or eighteen years if females, without a guardian resident in this state, or are persons having conservators, or where such guardian, if any, or Minors defendant.

conservator shall not be personally served with summons or shall not appear, the court shall appoint a guardian *ad litem*, who shall appear and defend in behalf of such minors, and be allowed such compensation as may be fixed by the court.

Court to examine.

§ 107. Upon hearing the cause upon the issues formed or taken, the court shall hear and examine the allegations and proofs of the parties and of all other persons interested in the estate who may appear and become parties; and if, upon due examination, the court shall find that the executor or administrator has made a just and true account of the condition of the estate, and that the personal estate of the decedent is not sufficient to pay the debts against such estate, the court shall ascertain, as nearly as can be, the amount of deficiency, and how much of the real estate described in the petition it is necessary to sell to pay such deficiency, with the expenses of administration then due or to accrue, and make a decree for the sale thereof: *Provided*, that where any houses and lots, or other real estate are so situated that a part thereof cannot be sold without manifest prejudice to the heirs, devisees or owner, the court may order the sale of the whole or such part as it may deem best; and the overplus arising from such sale shall be distributed among the heirs and devisees, owners, or such other persons as may be entitled thereto.

Conveyances.

§ 108. All such sales of real estate shall be made and conveyances executed for the same, by the executor or administrator applying for such order, and shall be valid and effectual against the heirs and devisees of such decedent, and all other persons claiming by, through or under him or them. In case of the death of the executor or administrator applying for an order of sale before conveyance is made, the administrator *de bonis non* shall proceed in the premises and make conveyance in the same manner as if he had originally applied for such order, which conveyance shall be good and valid.

Lands or tenements.

§ 109. No lands or tenements shall be sold by virtue of any such order of the county court, unless such sale is at public vendue, and between the hours of ten o'clock in the forenoon and five o'clock of the afternoon of the same day; nor unless the time and place of holding such sale were previously published for the space of four weeks, by putting up notices thereof in at least four of the most public places in the county where such real estate shall be sold, and also by causing a similar notice thereof to be published four successive weeks prior to the sale, in the nearest newspaper in this state; nor unless such real estate shall be described with common certainty in such notices. And if any executor or administrator, so ordered to make sale of any real estate, shall sell the same contrary to the provisions of this act, he shall forfeit and pay the sum of five hundred dollars,

Penalty.

to be recovered by action of debt, in the name of the People of the State of Illinois, for the use of any person interested, who may prosecute for the same: *Provided*, that no such offense shall be deemed to affect the validity of such sale: *And, provided, further*, that such executor or administrator may sell the same on a credit of not less than six nor more than twelve months, by taking note, with good personal security and a mortgage or sale mortgage on the premises for the payment of the purchase money, and after sale is made and lands conveyed by the executor or administrator under the provisions of this act, the executor or administrator shall, at the first term of court thereafter, file in the office of the county clerk a complete report of said sale, giving a description of the premises sold, to whom and where sold, and the price for which sold, and in general a statement of the manner in which the terms of the decree were executed.

§ 110. When real estate is sold, the moneys arising from such sale shall be received by the executor or administrator applying for the order to sell, and shall be assets in his hands for the payment of debts, and shall be applied in the same manner as assets arising from the sale of personal property. Moneys received. re-

§ 111. In all cases where a decedent is seized of a legal or equitable title to real estate, the payment whereof has not been completed, and the estate of such decedent is unable to make complete payment therefor, with advantage to such estate, the administrator or executor may sell or dispose of such real estate upon the order of the county court, and the money arising from such sales shall be assets in the hands of such executor or administrator, as in other cases. But in all cases where the estate of any such decedent shall be solvent, and such lands as aforesaid may be paid for without prejudice to the creditors, heirs and devisees of the estate, the executor or administrator shall complete the payment for the same out of the proceeds of the personal property, in the name of the heirs or legal representatives of the decedent entitled thereto; and he shall be allowed a credit for the amount of such payments, and all reasonable expenses incurred in making the same, upon final settlement of such estate: *Provided*, that the provisions of this section shall, in nowise, interfere with the provisions of any last will or testament. Title to real estate.

SETTLEMENT BY ADMINISTRATORS AND EXECUTORS.

§ 112. All executors and administrators shall exhibit accounts of their administration for settlement, to the county court from which the letters testamentary or of administration were obtained, at the first term thereof after the expiration of one year after the date of their letters; and in Accounts for settlement.

like manner every twelve months thereafter, or sooner, if required, until the duties of their administration are fully completed: *Provided*, that no final settlement shall be made and approved by the court, unless the heirs of the decedent have been notified thereof, in such manner as the court may direct.

Assets and debts § 113. Upon every such settlement of the accounts of an executor or administrator, the court shall ascertain the whole amount of moneys and assets belonging to the estate of the deceased, which have come into the hands of such executor or administrator, and the whole amount of debts established against such estate; and if there is not sufficient to pay the whole of the debts, the moneys aforesaid shall be apportioned among the several creditors *pro rata*, according to their several rights, as established by this act; and thereupon, the court shall order such executor or administrator to pay the claims which have been allowed by the court, according to such apportionments; and the court, upon every settlement, shall proceed in like manner until all the debts due are paid, or the assets exhausted.

Settlements to be enforced. § 114. The county courts of this state shall enforce the settlements of estates within the time prescribed by law, and upon the failure of an executor or administrator to make settlement at the next term of the court after the expiration of said time, the court shall order a citation to issue to the sheriff of the county where the executor or administrator resides, or may be found, requiring said executor or administrator to appear at the next term of the court and make settlement of the estate, or show cause why the same is not done; and if an executor or administrator fails to appear at the time required by such citation, the court shall order an attachment requiring the sheriff of the county where the executor or administrator resides, or may be found, to bring the body of said executor or administrator before the court; and upon a failure of an administrator or executor to make settlement under the order of the court after having been so attached, he may be dealt with as for contempt, and shall be forthwith removed by the court, and some discreet person appointed in his stead—the costs of such citation or attachment to be paid by the delinquent executor or administrator, and the court shall enter a judgment therefor, and a fee bill may issue thereon. All moneys, bonds, notes and credits which any administrator or executor may have in his possession or control as property or assets of the estate, at a period of two years and six months from the date of his letters testamentary or of administration, shall bear interest, and the executor or administrator shall be charged interest thereon from said period at the rate of ten per cent., or after two years and six months from any subsequent time that he may have dis-

Moneys, bonds, notes, etc.

covered and received the same, unless good cause is shown to the court why such should not be taxed.

§ 115. If any executor or administrator shall fail or refuse to pay over any moneys or dividend to any person entitled thereto, in pursuance of the order of the county court, lawfully made, within thirty days after demand made for such moneys or dividend, the court, upon application, may attach such delinquent executor or administrator, and may cause him to be imprisoned until he shall comply with the order aforesaid, or until such delinquent is discharged by due course of law; and moreover, such failure or refusal on the part of such executor or administrator shall be deemed and taken in law to amount to a *devastavit*, and an action upon such executor's or administrator's bond, and against his securities, may be forthwith instituted and maintained; and the failure aforesaid to pay such moneys or dividend, shall be a sufficient breach to authorize a recovery thereon.

Failure to pay over moneys.

§ 116. Whenever it shall appear that there are sufficient assets to satisfy all demands against the estate, the court shall order the payment of all legacies mentioned in the will of the testator, the specific legacies being the first to be satisfied.

Payment of legacies.

§ 117. Executors and administrators shall not be compelled to pay legatees or distributees until bond and security is given by such legatees or distributees to refund the due proportion of any debt which may afterwards appear against the estate, and the costs attending the recovery thereof; such bond shall be made payable to such executor or administrator, and shall be for his indemnity and filed in the court.

Bond and security by legatee.

§ 118. When, at any time after the payment of legacies or distributive shares, it shall be necessary that the same or any part thereof be refunded for the payment of debts, the county court, on application made, shall apportion the same among the several legatees or distributees according to the amount received by them, except the specific legacies, which shall not be required to be refunded, unless the residue is insufficient to satisfy such debts; and if any distributee or legatee refuses to refund according to the order of the court, within sixty days thereafter, and upon demand made, such refusal shall be deemed a breach of his bond given to the executor or administrator as aforesaid, and an action may be instituted thereon for the use of the party entitled thereto; and in all cases where there is no bond, an action of debt may be maintained against such distributee or legatee, and the order of the court shall be evidence of the amount due.

Refunded for debts.

§ 119. Where there are two or more executors or administrators of an estate, and any one of them takes all or a greater part of such estate and refuses to pay the debts of the decedent, or refuses to account with the other executor or administrator, in such case the executor or administrator

Two or more executors.

so aggrieved may have his action of account or suit in equity against such delinquent executor or administrator, and recover such proportionate share of said estate as shall belong to him; and every executor, being a residuary legatee, may have an action of account or suit in equity against his co-executor or co-executors, and recover his part of the estate in his or their hands. Any other legatee may have the like remedy against the executors: *Provided*, that before any action shall be commenced for legacies as aforesaid, the court shall order them to be paid.

MORTGAGE OF REAL ESTATE BY EXECUTORS.

Mortgage of real estate. § 120. Real estate may be mortgaged in fee or for a term of years, or leased by executors: *Provided*, that the term of such lease, or the time of the maturity of the indebtedness secured by such mortgage, shall not be extended beyond the time when the heirs entitled to such estate shall attain the age of twenty-one years, if a male, or eighteen years, if a female: *And, provided, also*, that before any mortgage or lease shall be made, the executors shall petition the county court for an order authorizing such mortgage or lease to be made, and which the court may grant, if the interests of the estate may require it: *Provided, further*, that the executor making application as aforesaid, upon obtaining such order, shall enter into bond, with good security, faithfully to apply the moneys to be raised upon such mortgage or lease, to the payment of the debts of the testator; and all money so raised shall be assets in the hands of such executor for the payment of debts, and shall be subject to the order of the court in the same manner as other assets.

Executor to give bond.

Foreclosures. § 121. Foreclosures of such mortgages shall only be made by petition to the county court of the county in which the premises, or a major part thereof, are situated; and any sale made by virtue of any order or decree of foreclosure, may, at any time before confirmation, be set aside by the court for inadequacy of price or other good cause, and shall not be binding upon the executor until confirmed by the court.

Decree. § 122. No decree of strict foreclosure shall be made upon any such mortgage, but redemption shall be allowed as is provided by law in cases of sales under executions issued upon common law judgments.

ACTIONS WHICH SURVIVE.

Actions. § 123. In addition to the actions which survive by the common law, the following shall also survive: Actions of replevin, actions to recover damages for an injury to the person (except slander and libel), actions to recover dam-

ages for an injury to real or personal property or for the detention or conversion of personal property, and actions against officers for misfeasance, malfeasance or nonfeasance of themselves or their deputies, and all actions for fraud or deceit.

APPEALS.

§ 124. Appeals shall be allowed from all judgments, orders or decrees of the county court in all matters arising under this act, to the circuit court, in favor of any person who may consider himself aggrieved by any judgment, order or decree of such court, and from the circuit court to the supreme court, as in other cases, and bonds with security to be fixed by the county or circuit court, as the case may be. Appeals.

§ 125. In all cases when an executor or administrator shall take an appeal from the judgment, decree or order of any court or justice of the peace to the county, circuit or supreme court, or when he may prosecute writs of error or *certiorari*, the appeal, *certiorari* or *supersedeas* bond shall be conditioned to pay the judgment or decree, with costs, in due course of administration; in all other respects such bonds shall be in the form prescribed by law in other cases. Condition of bond.

MISCELLANEOUS PROVISIONS.

§ 126. No executor or administrator, or his security, shall be chargeable beyond the assets of the testator or intestate, by reason of any omission or mistake in pleading, or by false pleading of such executor or administrator. Omission or mistake.

§ 127. All contracts made by the decedent may be performed by the executor or administrator when so directed by the county court. Contracts.

§ 128. The books of account of any deceased person shall be subject to the inspection of all persons interested therein. Books of account.

§ 129. If, after the expiration of two years from the time administration is granted on an estate, such estate is found to be insolvent, it shall be so entered of record by the county court and such order made. No action shall be maintained against the executor or administrator of such estate except at the costs of the party suing; but persons entitled thereto shall receive their proportions of such estate as herein provided. Estate insolvent.

§ 130. Whenever real estate is required to be sold for the payment of debts, the court may make all necessary orders to coerce the executor or administrator to make immediate application for an order to sell such real estate. Order to sell.

§ 131. County courts shall have power to enforce due observance of all orders, decisions, judgments and decrees made by them in discharge of their duties under this act; {Observance of orders.

and they may issue attachments for contempt offered such courts or its process, by any executor, administrator, witness or other person; and may fine and imprison, or either, all such offenders, in like manner as the circuit courts may do in similar cases.

Sheriff's duties.

§ 132. The sheriff shall, when required by the court, attend all sessions of said court, either by himself or deputy, and shall preserve good order in the court and execute all writs of attachment, summonses, subpoenas, citations, notices and other processes which may, at any time, be legally issued by such court, and make return thereof. And such sheriff shall be entitled to the same fees as he is allowed for similar services in the circuit court.

Compensation.

§ 133. Executors and administrators shall be allowed as compensation for their services a sum not exceeding six per centum on the amount of personal estate, and not exceeding three per centum on the money arising from the sale of real estate, with such additional allowances, for costs and charges in collecting and defending the claims of the estate and disposing of the same, as shall be reasonable.

Terms defined.

§ 134. All the provisions in this act relative to an executor or administrator, shall apply and extend to an executrix or administratrix, or executors or administrators, and *vice versa*, unless otherwise expressly provided for; and whenever the singular number or the masculine gender is mentioned, the provisions shall apply to two or more, and to the feminine gender, as the case may require; and this act shall be liberally construed so that its true intent [and meaning may be fully carried out.]

REPEAL.

Repeal.

§ 135. The following acts and parts of acts are hereby repealed: Chapter 109 of the Revised Statutes of 1845, entitled "Wills," except sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 46, 47, 51, 52, 53, 54 and 128; an act entitled "An act authorizing administrators and executors from other states to prosecute suits in this state," approved March 3d, 1845; an act entitled "An act to amend an act relative to wills and testaments, executors and administrators, and the settlement of estates," approved February 21st, 1845; an act entitled "An act further to define the duties of probate justices," approved February 19th, 1847; an act entitled "An act to amend an act concerning wills," approved February 11th, 1847; an act entitled "An act authorizing the resignation of certain officers," approved February 10th, 1849; an act entitled "An act to amend the laws in relation to the settlement of estates," approved February 17th, 1851; an act entitled "An act respecting executors, administrators, guardians and their securities," approved February 12th, 1853; an act entitled "An act to

regulate appeals in certain cases," approved February 8th, 1853; an act entitled "An act conferring additional power upon administrators *de bonis non*, and for other purposes," approved February 14th, 1855; an act entitled "An act to provide for the manner of selling real estate of deceased persons for the payment of debts," approved February 18th, 1857; sections nine, ten and twelve of an act entitled "An act to reform the probate system," approved February 21st, 1859; an act entitled "An act amending section four of the act entitled 'Wills,'" approved February 24th, 1859; an act entitled "An act to amend chapter 110, Revised Statutes, entitled 'Wills,'" approved March 7th, 1867; an act entitled "An act to amend section 134 of chapter 109 of the Revised Statutes of 1845," approved April 8th, 1869; an act entitled "An act to facilitate the settlement of partnership interest of deceased persons' estates," approved March 26th, 1869; an act entitled "An act to amend chapter 109 of the Revised Statutes entitled 'Wills,'" approved March 31st, 1869, and all other acts and parts of acts inconsistent with the provisions of this act: *Provided*, that this section shall not affect any suits that may be pending or any rights that have accrued when this act shall take effect.

APPROVED April 1, 1872.

AGRICULTURE.

AN ACT to amend "A general act of incorporation of agricultural and horticultural societies and associations for improving the breeds of domestic animals," approved February 15, 1855. In force Feb. 29, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That sections three and nine of "A general act of incorporation of agricultural and horticultural societies and associations for improving the breeds of domestic animals," approved February fifteenth, eighteen hundred and fifty-five, be and the same are hereby amended so as to read as follows:

"Section 3. The secretary *pro tempore* of said meeting shall keep a correct minute of the proceedings of said meeting, which being certified by said secretary and the president *pro tempore* of said meeting, shall, within five days after said meeting, be filed for record in the recorder's office of the county within which said meeting is by this act authorized to be held; and it is hereby made the duty of the recorder to record said minutes and certificate in some book

General act
amended.

kept for recording deeds. A copy of the constitution of said society or association shall also be filed in said office, where the same shall be preserved for the inspection of the public. Whenever such constitution shall be altered or amended by such society or association, a copy of the altered or amended constitution shall also be filed in said office, to be there preserved in like manner. The recording officer, for recording and also for filing the documents by this act required to be respectively filed and recorded, shall be allowed the same fee as is now allowed by law for similar services; which fee shall be paid by the society or association. On filing in said office a certified copy of the proceedings of said meeting, and also a copy of the constitution of said society or association, in pursuance of this act (the previous steps herein required having been properly taken), the persons whose names are then subscribed to the constitution of said society or association, together with all others who after that time may become members of the same, shall become a body corporate and politic, by the name assumed and set forth in their said constitution, with perpetual succession; and by that name may have and use a common seal, may sue and be sued, answer and be answered in all the courts of this state, whether of law or equity; may sue for and collect all voluntary subscriptions or donations; and by that name may acquire and hold real estate, not exceeding in quantity five hundred acres; and may construct and erect all necessary improvements and buildings thereon for agricultural and horticultural experiments, and for rearing domestic animals, and for improving the breeds of the same, and for taming, improving and breeding of such animals as are commonly found wild; and for such purposes said society or association may have and employ capital, apparatus, implements, machinery and live stock, altogether not exceeding in value fifty thousand dollars."

"Section 9. Until the whole capital stock of the society or association, including money, implements, apparatus, machinery, live stock and property of every description, whether real, personal or mixed, shall amount to one thousand dollars, the profits, if any there be, arising from the operating or experiments of the society or association, shall not be divided among the stockholders, but shall accumulate as capital stock until the said capital shall reach the sum of one thousand dollars; but after said capital stock shall have reached the sum of one thousand dollars in value, then a dividend of profits may from time to time be made among the stockholders, in proportion to the number of shares held by each: *Provided*, this section shall not be construed to restrain the society or association from offering or giving premiums to any amount which the society or association may think proper."

§ 2. Whereas an emergency exists, viz: that many associations, formed under the law of which this is an amendment, desire to make improvements immediately, involving an expenditure of more than ten thousand dollars: therefore this act shall take effect and be in force from and after its passage. Emergency.

APPROVED February 29, 1872.

AN ACT authorizing agricultural societies to sell, exchange, dispose of and convey lands. In force March 8, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any agricultural society shall have acquired any lands, and the same shall become ineligible for the use for which such lands were acquired, such society, in its corporate capacity, may sell, exchange, dispose of and convey said lands; and the deed of any such corporation, executed and acknowledged by its presiding officer, shall be effectual in law for that purpose. May sell and convey lands.

§ 2. Whereas it is necessary that certain agricultural societies should dispose of or exchange grounds, in order to hold fairs in eighteen hundred and seventy-two: therefore this act shall take effect and be in force from and after its passage. Emergency.

APPROVED March 8, 1872.

AN ACT to create a Department of Agriculture in the State of Illinois. In force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and is hereby created and established a department in the state of Illinois, to be known and styled "The Department of Agriculture," the objects of which shall be the promotion of agriculture and horticulture, manufactures and domestic arts. The business of said department shall be conducted by a board, to be styled "The State Board of Agriculture," which shall consist of a president, as many vice-presidents as there are or from time to time may be congressional districts in this state, and the last ex-president of the State Board of Agriculture. Said presidents and vice-presidents shall hold their respective positions for two years, and until their successors are elected and qualified. The Objects.
Style of board.
First board.

first board of agriculture under this act shall consist of the present president, vice presidents, and the last ex-president of the (present) Illinois State Agricultural Society, who shall hold their positions, respectively, until the second Monday of January, one thousand eight hundred and seventy-three. Said State Board of Agriculture shall have a secretary and treasurer, who shall not be members of the board, and who shall hold their positions for the same time as the members of the board. The treasurer shall give bond, as may be required by said board. The secretary and treasurer of the Illinois State Agricultural Society, at present, shall, respectively, be the secretary and treasurer of the State Board of Agriculture, and hold their positions the same time as members of the board: *Provided*, that said secretary of the State Agricultural Society, by virtue of his position, shall, until the second Monday of January, one thousand eight hundred and seventy-three, be a member of said board.

Officers

State board to control.

§ 2. The State Board of Agriculture shall have the sole control of the affairs of the department of agriculture of all state fairs; and may make such by-laws, rules and regulations, in relation to the department of agriculture and the management of the business of such department and state fairs, and offering premiums, as a majority of said board shall, from time to time, determine, not inconsistent with the constitution and laws of this state or the United States. But this state shall, in no event, be liable for any premium offered or debt contracted by said board of agriculture.

County boards.

§ 3. The State Board of Agriculture shall provide for the organization of county agricultural boards, to comprise, in counties having but one agricultural organization, on the assent to the provisions of this act, of the directors or other managers of any legally organized agricultural society holding an annual fair, at which premiums to the amount of five hundred dollars are awarded; and in counties having more than one agricultural organization, such county board shall consist of the various agricultural organizations, each represented therein, under such regulations as they may themselves, or if they fail in agreeing, the State Board of Agriculture, shall prescribe; and said county board shall report its proceedings to said State Board of Agriculture, annually, and shall be styled "The ——— County Agricultural Board."

Moneys ap-propriated.

§ 4. Whatever moneys shall, from time to time, be appropriated to the department of agriculture, shall be paid to said State Board of Agriculture, and may be expended by them as in the opinion of said board will best advance the interests of agriculture and horticulture, manufactures and domestic arts, in this state: *Provided*, that when appropriations are made for the use of said State Board of Agriculture, that such appropriation shall provide for at

least one hundred dollars, annually, for the use of each county agricultural board, to be paid by said State Board of Agriculture to each county board of agriculture which shall have given satisfactory evidence to said state board of having held an annual fair, and made their annual report to said State Board of Agriculture.

§ 5. The State Board of Agriculture shall keep an office Business office. for the transaction of its business at Springfield; and when the new state house is so far completed as to allow thereof, there shall be assigned to the department of agriculture suitable rooms therein, to be under the control of said board.

§ 6. The State Board of Agriculture in that name, and the several county agricultural boards in their respective Powers of boards. names, may contract and be contracted with, may purchase, hold or sell property, and may sue and be sued in all courts or places; but this state shall never be liable for any debt or contract of any of said boards.

§ 7. The State Board of Agriculture shall be elected every When elected. two years, on the first Wednesday of the annual state fair, on the fair grounds, by delegates chosen by the several county agricultural boards, each county board having three votes and no more. The president, secretary and treasurer of the state board may reside any where in the state. The vice-presidents shall reside in the district which they respectively represent. The first election of the State Board of Agriculture shall be held in the fall of one thousand eight hundred and seventy-two.

§ 8. The State Board of Agriculture shall, on or before Report. the first day of July, one thousand eight hundred and seventy-one, make a biennial report to the governor of the proceedings of the late state agricultural society, for one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy, and annually thereafter, of the transactions of the department of agriculture, and the governor shall cause ten thousand copies of said annual and biennial reports to be printed, one-half for the use of the department of agriculture, and the remainder for the use of the state and general assembly. They shall give a complete classified financial statement of all moneys received, and of all expenditures and expenses; which statement shall be printed in the periodical report: *Provided*, that no such copies Size of report. of said reports shall exceed three hundred pages of same size of former reports.

§ 9. The State Board of Agriculture may, for cause, to be Removal of officers. spread upon their journals, remove the secretary, or treasurer, or expel a member, and may fill any vacancy arising from any cause.

APPROVED April 15, 1871.

In force July 1, 1872. AN ACT to amend an act entitled "An act to create a Department of Agriculture in the State of Illinois," approved April 17, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section eight of "An act to create a department of agriculture in the State of Illinois," approved April 17, 1871, be so amended that it shall read:

"Section 8. The State Board of Agriculture shall make an annual report to the governor of the transactions of the department of agriculture, which said report shall include a complete classified statement of all moneys received, and of all expenditures and expenses; and the governor shall cause ten thousand copies of said report to be printed, one-half for the use of the department of agriculture, and the remainder for the use of the state and general assembly."

APPROVED April 2, 1872.

ANIMALS.

In force July 1, 1872. AN ACT to authorize the county boards, or other bodies having control and management of the county affairs of the several counties of this state, to take measures to enforce all laws in regard to the prevention of cruelty to animals.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county boards or other bodies having control and management of the county affairs of the several counties of this state, are hereby authorized and empowered to take all such necessary measures and to institute such proceedings as they may deem proper, to enforce all the laws of this state for the prevention of cruelty to animals.

APPROVED March 1, 1872.

In force July 1, 1872. AN ACT to prohibit domestic animals from running at large in this state.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be unlawful for the owner or owners of any domestic animals of the species of horse, mule, ass, cattle, sheep, goat or

hog, to suffer the same to run at large in any county in this state, after the first day of October, eighteen hundred and seventy-two, except as hereinafter provided.

§ 2. Any owner or owners violating section one of this act shall, on conviction before any justice of the peace having jurisdiction, pay a fine not less than three dollars nor more than ten dollars, for each and every offense, to the common school fund of the township. Penalty for violation.

§ 3. The county clerk of any county wherever it may be unlawful for domestic animals to run at large by virtue of this or any special law, on petition of one hundred or more voters therein, shall give notice with the election notices of the then next succeeding general election in such county, that at such election the voters of such county may vote for or against domestic animals running at large in such county, or any species thereof, to be mentioned in such notices, and separate ballot boxes shall be used at said election. Such votes shall be received and canvassed by the proper judges of election, and returns made in the same manner as the other election returns, and if a majority of the votes cast on such question is for domestic animals, or any species thereof, running at large, it shall be lawful in such county for such domestic animals, or species thereof, to run at large. Notice of election.

§ 4. At any succeeding general election, on like petition and notice, the voters of such counties electing to allow domestic animals to run at large, may vote to rescind such former election, and to come under the provisions of this law where no such vote is taken. Vote to rescind.

APPROVED January 13, 1872.

AN ACT to amend an act entitled "An act for the prevention of cruelty to animals," approved March 31, 1869. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one of an act entitled "An act for the prevention of cruelty to animals," approved March thirty-first, eighteen hundred and sixty-nine, be amended so as to read as follows, viz: "That whoever shall willfully overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill, or cause or procure to be so overdriven, overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or cruelly killed, any horse, ox or other animal, (the word animal, as used in this act, and the act to which this is an amendment, shall be taken to mean any living creature,)

and whoever, having the charge or custody of any such animal, either as owner or otherwise, shall unnecessarily fail to provide such animal with proper food and drink, shall, for each and every offense, be punished by a fine not less than five dollars, and not exceeding one hundred dollars, to be recovered on complaint before any justice of the peace, or by indictment in the county where such offense shall be committed.

APPROVED March 8, 1872.

In force July 1, 1872. AN ACT to prevent male animals running at large, and for their restraint.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be unlawful for any male animal, viz: stallion, jackass, bull, ram or boar, to run at large in this state.

§ 2. That whenever any animal, as set forth in the first section of this act, shall be allowed, by its owner or owners, keeper or keepers, to run at large or go unrestrained, it shall be lawful for any person to restrain the same by proper confinement and care; and the person so restraining shall immediately advertise such animal by posting up in three of the most public places in the township where the person so restraining shall reside, and the owner or owners, keeper or keepers of such animal shall be required to pay to the person so restraining, five dollars for such restraint, seventy-five cents each for the three advertisements so posted up, and seventy-five cents per diem for their maintenance while in his care; upon the payment of which, and the proper proof of ownership or agency for such ownership, the person so restraining shall deliver up such animal, unless as provided in the third section of this act.

§ 3. Any owners or keepers of animals, as set forth in the first section of this act, who shall allow such animal to run at large, or go unrestrained, in addition to the foregoing, as set forth in the second section of this act, upon complaint of any person or persons to any justice of the peace, or town officer having jurisdiction, such owner or owners, keeper or keepers, shall be deemed guilty of trespass, and shall be mulcted in a fine of not less than five dollars, nor more than fifty dollars for each and every such offense. And in addition to the foregoing, every such owner or owners, keeper or keepers of such male animals, as set forth in the first section of this act, who shall allow such male animals to go unrestrained, or run at large, shall be deemed liable for all damages that may accrue to others, whether to their persons or their property, as stock-breeders or other-

To be advertised.

Owner guilty of trespass.

wise, caused or brought about by the unrestraint or running at large of said male animals; and damage so accrued shall be recoverable by law in an action for damages in any court having jurisdiction of the same.

§ 4. If such male animal shall remain in the possession ^{Estray.} of the person restraining it for thirty days from the time of advertising it, it shall be deemed an estray, and the laws of this state governing estrays shall be applicable to it.

APPROVED March 8, 1872.

APPORTIONMENT.

AN ACT to apportion the state into nineteen congressional districts and establish the same, and provide for the election of representatives therein. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the state of Illinois is hereby apportioned into nineteen congressional districts, and the same are hereby established and shall be respectively composed as herein set forth, to-wit:

The first district shall be composed of the first, second, third, fourth, fifth, sixth and seventh wards of the city of Chicago, the towns of Hyde Park, Lake, Lyons, Riverside, Lemont, Palos, Worth, Calumet, Orland, Bremen, Thornton, Rich and Bloom, in Cook county, and the county of DuPage.

The second district, of the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth wards of the city of Chicago.

The third district, of the sixteenth, seventeenth, eighteenth, nineteenth and twentieth wards of the city of Chicago, the towns of Cicero, Proviso, Jefferson, Leyden, Lake View, Evanston, Niles, Maine, Elk Grove, Schaumburg, Hanover, Barrington, Palatine, Wheeling, Northfield and New Trier, in the county of Cook, and the county of Lake.

The fourth district, of the counties of Kane, DeKalb, McHenry, Boone and Winnebago.

The fifth district, of the counties of Stephenson, Jo Daviess, Carroll, Whiteside and Ogle.

The sixth district, of the counties of Lee, Bureau, Putnam, Henry and Rock Island.

The seventh district, of the counties of LaSalle, Kendall, Grundy and Will.

The eighth district, of the counties of Kankakee, Iroquois, Ford, Livingston, Woodford and Marshall.

The ninth district, of the counties of Stark, Peoria, Knox and Fulton.

The tenth district, of the counties of Mercer, Henderson, Warren, Hancock, McDonough and Schuyler.

The eleventh district, of the counties of Adams, Brown, Pike, Calhoun, Greene and Jersey.

The twelfth district, of the counties of Scott, Morgan, Cass, Menard, Sangamon and Christian.

The thirteenth district, of the counties of Mason, Tazewell, McLean, Logan and DeWitt.

The fourteenth district, of the counties of Macon, Piatt, Champaign, Douglas, Coles and Vermilion.

The fifteenth district, of the counties of Edgar, Clark, Cumberland, Moultrie, Shelby, Effingham, Jasper, Crawford and Lawrence.

The sixteenth district, of the counties of Montgomery, Fayette, Bond, Clinton, Washington, Marion and Clay.

The seventeenth district, of the counties of Macoupin, Madison, St. Clair and Monroe.

The eighteenth district, of the counties of Randolph, Perry, Jackson, Union, Williamson, Johnson, Pope, Massac, Pulaski and Alexander.

The nineteenth district, of the counties of Richland, Wayne, Edwards, Wabash, Jefferson, Franklin, Hamilton, White, Saline, Gallatin and Hardin.

Time of election.

§ 2. One representative to the congress of the United States shall be elected in each of the districts before enumerated, on the Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-two, and one in each of said districts every two years thereafter. Such elections shall be held and the returns thereof made and canvassed in the manner provided by law.

APPROVED March 28, 1872.

In force July 1,
1872.

AN ACT to apportion the state of Illinois into senatorial districts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That until the taking and return of the next federal census, and the apportionment thereunder, as provided in the constitution, this state shall be divided into senatorial districts, each of which shall be entitled to one senator and three representatives, as follows, to-wit:*

First—The first, second, tenth and eleventh wards of the city of Chicago, in the county of Cook, shall constitute the first district.

Second—The third, fourth and fifth wards of the city of Chicago, in the county of Cook, and the townships of Hyde Park and Lake, in said county, shall constitute the second district.

Third—The sixth, seventh and eighth wards of the city of Chicago, in the county of Cook, shall constitute the third district.

Fourth—The ninth, twelfth and thirteenth wards of the city of Chicago, in the county of Cook, shall constitute the fourth district.

Fifth—The fourteenth, fifteenth and eighteenth wards of the city of Chicago, in the county of Cook, shall constitute the fifth district.

Sixth—The sixteenth, seventeenth, nineteenth and twentieth wards of the city of Chicago, in the county of Cook, shall constitute the sixth district.

Seventh—The townships of New Trier, Northfield, Wheeling, Palatine, Barrington, Hanover, Schaumburg, Elk Grove, Maine, Niles, Evanston, Lake View, Jefferson, Leyden, Proviso, Riverside, Cicero, Lyons, Lemont, Palos, Worth, Calumet, Thornton, Bremen, Orland, Rich and Bloom, in the county of Cook, shall constitute the seventh district.

Eighth—The counties of McHenry and Lake shall constitute the eighth district.

Ninth—The counties of Winnebago and Boone shall constitute the ninth district.

Tenth—The counties of Jo Daviess and Stephenson shall constitute the tenth district.

Eleventh—The counties of Carroll and Whiteside shall constitute the eleventh district.

Twelfth—The counties of Ogle and Lee shall constitute the twelfth district.

Thirteenth—The counties of DeKalb, Kendall and Grundy shall constitute the thirteenth district.

Fourteenth—The counties of Kane and DuPage shall constitute the fourteenth district.

Fifteenth—The county of Will shall constitute the fifteenth district.

Sixteenth—The counties of Kankakee and Iroquois shall constitute the sixteenth district.

Seventeenth—The county of LaSalle shall constitute the seventeenth district.

Eighteenth—The counties of Livingston and Ford shall constitute the eighteenth district.

Nineteenth—The counties of Bureau and Stark shall constitute the nineteenth district.

Twentieth—The counties of Putnam, Marshall and Woodford shall constitute the twentieth district.

Twenty-first—The counties of Rock Island and Henry shall constitute the twenty-first district.

Twenty-second—The counties of Mercer and Knox shall constitute the twenty-second district.

Twenty-third—The counties of Warren and McDonough shall constitute the twenty-third district.

Twenty-fourth—The counties of Henderson and Hancock shall constitute the twenty-fourth district.

Twenty-fifth—The counties of Fulton and Schuyler shall constitute the twenty-fifth district.

Twenty-sixth—The county of Peoria shall constitute the twenty-sixth district.

Twenty-seventh—The counties of Tazewell and Logan shall constitute the twenty-seventh district.

Twenty-eighth—The county of McLean shall constitute the twenty-eighth district.

Twenty-ninth—The counties of DeWitt and Macon shall constitute the twenty-ninth district.

Thirtieth—The counties of Piatt and Champaign shall constitute the thirtieth district.

Thirty-first—The counties of Vermilion and Edgar shall constitute the thirty-first district.

Thirty-second—The counties of Douglas, Coles and Moultrie shall constitute the thirty-second district.

Thirty-third—The counties of Shelby, Cumberland and Effingham shall constitute the thirty-third district.

Thirty-fourth—The counties of Christian and Montgomery shall constitute the thirty-fourth district.

Thirty-fifth—The county of Sangamon shall constitute the thirty-fifth district.

Thirty-sixth—The counties of Mason, Brown, Cass and Menard shall constitute the thirty-sixth district.

Thirty-seventh—The county of Adams shall constitute the thirty-seventh district.

Thirty-eighth—The counties of Scott, Pike and Calhoun shall constitute the thirty-eighth district.

Thirty-ninth—The counties of Greene and Morgan shall constitute the thirty-ninth district.

Fortieth—The counties of Macoupin and Jersey shall constitute the fortieth district.

Forty-first—The county of Madison shall constitute the forty-first district.

Forty-second—The counties of Bond, Clinton and Washington shall constitute the forty-second district.

Forty-third—The counties of Fayette and Marion shall constitute the forty-third district.

Forty-fourth—The counties of Clay, Wayne, Richland, Edwards and Wabash shall constitute the forty-fourth district.

Forty-fifth—The counties of Clark, Crawford, Lawrence and Jasper shall constitute the forty-fifth district.

Forty-sixth—The counties of Jefferson, Hamilton and White shall constitute the forty-sixth district.

Forty-seventh—The counties of Franklin, Williamson, Saline and Gallatin shall constitute the forty-seventh district.

Forty eighth—The counties of Monroe, Randolph and Perry shall constitute the forty-eighth district.

Forty-ninth—The county of St. Clair shall constitute the forty-ninth district.

Fiftieth—The counties of Jackson, Union and Alexander shall constitute the fiftieth district.

Fifty-first—The counties of Pulaski, Massac, Johnson, Pope and Hardin shall constitute the fifty-first district.

APPROVED March 1, 1872.

APPROPRIATIONS.

AN ACT to pay the members, officers and employes of the twenty-seventh In force Jan. 19,
general assembly. 1871.

WHEREAS the constitution provides that members of the twenty-seventh general assembly should receive an allowance of fifty dollars in lieu of stationery, postage, newspapers and all other incidental expenses and perquisites; and, whereas it is necessary that said members provide themselves with such articles immediately, and to pay for the same payment of said allowance is necessary; in order also to facilitate the transaction of the public business, payment to the members, officers and employes of said assembly of the mileage and per diem due or becoming due from time to time should be provided for, whereby an emergency has arisen rendering it necessary that this act should take effect immediately: therefore,

SECTION 1: *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of fifty dollars is hereby appropriated out of the revenue fund in the state treasury, to each member of the twenty-seventh general assembly, for postage, stationery, newspapers and all other incidental expenses, and the auditor of public accounts is hereby directed to issue his warrants on the state treasurer therefor.

§ 2. An amount sufficient to pay the mileage and per diem of members and the per diem of officers and employes of the twenty-seventh general assembly, is hereby appropriated out of the revenue fund in the state treasury, and the auditor of public accounts is hereby directed to issue his warrants on the state treasurer, as the same becomes due;

on pay rolls certified by the president of the senate and speaker of the house of representatives.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED January 19, 1871.

In force March 10, 1871. AN ACT to fix the number of employès of the twenty-seventh general assembly, and the compensation of the same.

Employès.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the employès of the twenty-seventh general assembly shall be as follows, and shall be allowed respectively the compensation herein provided: One mail-carrier of the senate and one mail-carrier of the house, each four dollars per day; two janitors of the senate and four janitors of the house, each four dollars per day; seven pages of the senate and fifteen pages (including Arthur Cole and Elliott Drummond) of the house, each two dollars per day; six committee clerks of the senate and fourteen committee clerks of the [house], each four dollars per day for the time actually employed; one janitor of committee rooms of the senate and one janitor of committee rooms of the house, each four dollars per day; one janitor of the water-closets of the senate and one of the house, each three dollars per day; two policemen of the senate and four policemen of the house, each four dollars per day; one night watchman for house postoffice, four dollars per day; one house messenger, four dollars per day; and one fireman for the house, four dollars per day.

Certified "pay rolls.

§ 2. The auditor of public accounts is directed to draw his warrant on the treasurer for the compensation of the said employès as herein provided, from time to time as the same may become due, upon pay rolls certified by the presiding officers of the two houses respectively.

Emergency.

§ 3. An emergency having arisen by reason of the services of said employès, making it necessary that this act shall take effect immediately: therefore this act shall take effect and be in force from and after its passage.

APPROVED March 10, 1871.

AN ACT to fix the compensation of the members, officers, and employees of the general assembly. In force June 14, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the members of the general assembly shall receive for their services the sum of five dollars per day during the sessions, to be certified by the speaker of the respective houses, and in addition thereto an allowance of fifty dollars per session to each member, which shall be in full for postage, stationery, newspapers, and all other incidental expenses and perquisites; and ten cents per mile per session to each member for each mile necessarily traveled in going to and returning from the seat of government, to be computed by the auditor of public accounts. Members.

§ 2. Until otherwise provided by law, the compensation of the several officers and employes of the general assembly shall be the same sum per day for each day's actual service as was paid at the first session of the twenty-seventh general assembly, to be certified by the speakers of the two houses. Officers and employees.

§ 3. The auditor of public accounts shall draw his warrants upon the treasurer in favor of the several members, officers and employes of the general assembly, upon properly certified pay-rolls, as the same shall from time to time become due. Auditor to draw warrants.

§ 4. As there is no existing provision for the payment of the members, officers and employes of the twenty-seventh general assembly, at their special session, an emergency is hereby declared to have arisen requiring that this act shall go into effect immediately: therefore this act shall take effect from and after its passage. Emergency.

APPROVED June 14, 1871.

AN ACT making appropriations for expenses of the twenty-seventh general assembly, and to provide for the ordinary and contingent expenses of the government not already appropriated. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following sums be and they are hereby appropriated for the following purposes: Appropriations.

First—To each member of the joint committee of the house and senate appointed to examine into and report upon the affairs of the board of police commissioners of East St. Louis, the sum of seventy-five dollars for per diem and expenses.

Second—To each of the clergymen who have officiated as chaplains of the house or senate during the present session, the sum of thirty dollars, to be paid upon pay roll certified by the president of the senate and speaker of the house.

Third—To defray the incidental and contingent expenses of the supreme court for books and stationery, in addition to former appropriations, the sum of three thousand dollars, to be drawn in the same manner now provided by law, and for the use of either of the three divisions, as may be deemed necessary by the court.

Fourth—A sum not exceeding two thousand dollars per annum, for conveying juvenile offenders to the reform school, to be paid in the manner and at the compensation fixed by law.

Fifth—A sum not exceeding five hundred dollars for the purpose of purchasing a suitable lot in Oak Ridge Cemetery, of Springfield, and for removing the remains of the Honorable William J. Gatewood, William Copeland, William Rhodes and Albert G. Caldwell, former members of the senate and house of the Illinois general assembly, to said lot and to erect a suitable monument to their memory, to be expended under the direction of the governor and paid out upon his order.

Sixth—To Joel Johnson, three hundred and fifty-seven dollars, and to J. L. Million, fifty-five dollars, for rent of committee rooms for use of the house of representatives, and to T. J. V. Owen, one hundred and thirty-five dollars, for rent of committee rooms for use of the senate.

Seventh—To A. H. Erickson, for services as extra janitor of the senate, the sum of one hundred and twenty-eight dollars.

Eighth—To Merritt & Son, for printing rules of the senate, the sum of thirteen and fifty one-hundredths dollars.

Ninth—To H. V. Raymond, for services preparing digest of the special school acts and charters, by order of the state superintendent of public instruction, for use of the committees on education, the sum of two hundred and fifty dollars.

Tenth—To the office of the secretary of state, for furniture, repairs of office, postage, stationery, blanks and other incidental expenses, a sum not exceeding fifteen hundred dollars, to be paid on bills of particulars certified by the secretary and approved by the governor.

Eleventh—A sum not exceeding six thousand dollars, to be added to the fund heretofore appropriated by this general assembly, for the purpose of defraying the cost of printing, paper, stationery, furniture and repairs, books and blanks for the general assembly, and for all expenses necessarily incurred by the secretary of state in discharge of the

duties imposed upon him by law and for which no appropriation is made.

Twelfth—Should there be any balance remaining unexpended of the appropriation, made by this general assembly, of forty thousand dollars to repair and enlarge the supreme court rooms at Mt. Vernon and Ottawa, after said repairs and enlargement is fully completed, then said balance may be expended for furniture and fitting up said rooms under the direction of the judges, and be paid in the same manner as provided in the act making said appropriation.

Thirteenth—To pay the commissioners appointed to revise the statutes, balance in full for their services to April first, 1872, as follows: to H. B. Hurd, the sum of twenty-five hundred dollars, and to M. Shæffer, the sum of twenty-five hundred dollars.

§ 2. The auditor of public accounts is hereby directed to draw his warrant on the state treasury for the sums herein specified, upon presentation of the proper vouchers, approved by the governor; and the state treasurer shall pay the same out of any funds in the treasury not otherwise appropriated.

Governor to
approve vouchers.

APPROVED April 5, 1872.

AN ACT making an appropriation for the payment of the officers and members of the next general assembly, and for the salaries of the officers of the state government. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and there is hereby appropriated a sum of money sufficient to pay the officers and members of the next general assembly, and the salaries of the officers of the state government, at such rates of compensation as is now or may be hereafter fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the general assembly.

APPROVED April 1, 1872.

AN ACT to provide for the payment of the expenses of the state government heretofore unprovided for. In force March 28, 1871.

WHEREAS sundry expenses have been incurred by the state officers, in the proper and necessary discharge of the duties of their offices, for the payment of which there is no appropriation, and said necessary expenses being still un-

Emergency.

paid and unprovided for, whereby an emergency has arisen rendering it necessary that this act should take effect immediately ; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of twenty thousand dollars is hereby appropriated, to be paid out of the state treasury upon the warrant of the auditor of public accounts, for the payment of said expenses, to be made upon bills of particulars, certified by the proper state officers and approved by the governor. Said bills of particulars shall show the amount charged for each item separately, and shall be accompanied by an affidavit of the party to whom payable or by an authorized agent, stating that the account is correct, that the articles have been furnished to the state or the services actually performed, and that the price charged is reasonable. All warrants shall be drawn in favor of the person, company or corporation entitled to receive the money.

§ 2. The auditor of public accounts is hereby authorized and directed to draw his warrant on the state treasurer for such amounts as may be certified and approved as provided in section one (1) of this act, and the state treasurer is authorized to pay said warrants from any money in the treasury not otherwise appropriated.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED March 28, 1871.

In force July 1, 1872. AN ACT to make appropriations to pay certain expenses of the state government, for which no appropriation has heretofore been made.

Appropriations. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following sums be and the same are hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be paid to the parties therein named, upon the warrants of the auditor, upon accounts of bills of particulars, certified by the secretary of state and approved by the governor, viz :

To O. F. Kimball, rent of committee rooms, one hundred and sixty dollars.

To estate of N. Strott, deceased, rent of committee rooms, one hundred and twenty-two dollars and sixty-six cents.

To J. Ruckel, curtains, flannel drapery, etc., four hundred and forty dollars.

To Nutt & Barclay, furniture for committees, one hundred and thirty-five dollars.

To H. G. Fitzhugh, carpenter's work (five bills), two hundred and ninety-four dollars and forty-five cents.

To Joel Johnson, rent of committee rooms, four hundred and ninety dollars.

To Fox & House, hardware, twenty-three dollars and twenty cents.

To Rufus Blanchard, maps, fifteen dollars and eighty-six cents.

To J. T. Smith, post office boxes, ten dollars.

To E. L. Baker & Co., for printing circulars for committee on manufactures, twenty dollars.

That interest shall be allowed on said amounts at the rate of six per centum from the first day of July, eighteen hundred and seventy-one, until paid; and the auditor shall draw his warrants therefor, as provided in section one of this act.

APPROVED April 5, 1872.

AN ACT to provide for the ordinary and contingent expenses of the state government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the general assembly.

In force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following named sums be and they are hereby appropriated to meet the ordinary and contingent expenses of the government, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the general assembly :

Appropriations.

First—A sum not exceeding ten thousand dollars shall be subject to the order of the governor for defraying all such expenses as are unforeseen by the general assembly, and not otherwise provided for by law, payments to be made from time to time, upon bills of particulars, certified by the governor.

Conting't fund subject to order of the governor.

Second—The sum of twenty-five hundred dollars per annum for clerk hire in the governor's office, payable quarterly upon his order.

Clerks in governor's office.

Third—To the governor's office, for postage, stationery, telegraphing, furniture, and repairs of office and other incidental office expenses, a sum not exceeding two thousand dollars (\$2000), to be paid on bills of particulars, certified by him.

Postage, stationery, etc. for governor's office.

Fourth—To the office of secretary of state, for furniture, repairs of office, postage, stationery, blanks and other incidental expenses, a sum not exceeding twenty-five hundred

Secretary of state, furniture, etc.

dollars, to be paid upon bills of particulars, certified by the secretary and approved by the governor.

Cost of printing, paper, stationery, etc.

Fifth—A sum, not exceeding fifty thousand dollars (\$50,000), for the purpose of defraying the cost of printing, paper, stationery, furniture and repairs, books and blanks for the general assembly, and for all expenses necessarily incurred by the secretary of state in discharge of the duties imposed upon him by law, and for which no other appropriation is made, to be paid upon bills of particulars, certified by said secretary and approved by the governor.

Secretary of state, clerk hire.

Sixth—To the secretary of state, for clerk hire in his office, and librarian, five thousand two hundred dollars (\$5,200), per annum, payable quarterly, on his order.

Auditor, clerk hire.

Seventh—To the auditor of public accounts, for clerk hire, the sum of five thousand five hundred dollars per annum, to be paid quarterly. To the office of the auditor of public accounts, for furniture, stationery, repairs, postage and other necessary expenses incurred in the discharge of the duties of his office, a sum, not exceeding five thousand dollars (\$5000), to be paid on bills of particulars, certified by the auditor and approved by the governor.

Auditor, for furniture, stationery, etc.

State treasurer, office expenses, etc.

Eighth—To the office of state treasurer, for furniture, repairs, stationery, postage and other necessary office expenses, a sum not exceeding one thousand dollars per annum, to be paid on bills of particulars, certified by the treasurer and approved by the governor. To the state treasurer, for clerk hire, the sum of two thousand dollars (\$2000) per annum, payable quarterly.

Clerk hire.

Superintendent of public instruction, clerk hire.

Repairs, furniture, and incidental expenses

Ninth—To the superintendent of public instruction, for clerk hire, the sum of fifteen hundred dollars (\$1500) per annum, payable quarterly. To the office of the said superintendent, for repairs and rent of office, furniture, periodical and educational works, and other necessary expenses of said office not otherwise provided for, a sum not exceeding one thousand dollars (\$1000) per annum, to be paid upon bills of particulars, certified by said superintendent and approved by the governor; appropriations made by this ninth clause to be paid out of the school fund.

To be paid out of school fund.

Attorney-general, rent and office expenses.

Tenth—To the attorney general the sum of five hundred dollars (\$500) per annum, for rent, furniture and fuel of his office, to be paid on bills of particulars, certified to by said attorney general and approved by the governor.

Clerk in fund commissioners' office.

Eleventh—To the clerk in the fund commissioners' office, twelve hundred dollars, per annum (\$1200), payable quarterly: *Provided*, that the said clerk shall not be employed longer than necessary, in the opinion of the governor.

Porters and watchmen.

Twelfth—The sum of six thousand five hundred dollars (\$6,500) to pay three porters, who shall act as messengers and take care of the state house grounds, at the rate of two dollars and fifty cents (\$2 50) per day while actually employed; one night watchman at the rate of three dollars

($\$3$) per night; and for any additional labor about the state house, to the extent only of the balance of the above sum after paying the above porters and watchman. The account of the above porters and watchman to be certified to by the respective officers by whom they were employed.

Thirteenth—The sum of five thousand dollars ($\$5000$), or so much thereof as may be necessary, is hereby appropriated, for the purpose of furnishing and repairing the executive mansion, and fence around the same, of this state, subject to the order of the governor, and to be used by him, at his discretion, for the purpose aforesaid. The governor shall keep an account of the same, and make report thereof to the next general assembly, with bill of particulars.

Executive mansion, furniture and repairs.

Fourteenth—For repairs of state house grounds, walks, fences and steps, a sum not exceeding five hundred dollars ($\$500$) per annum, payable on bills of particulars, certified by the secretary of state and auditor, and approved by the governor.

Repairs of the state house.

Fifteenth—To the office of adjutant general, for stationery, printing, postage, telegraphing, furniture, fuel, lights, expressing, and other incidental expenses necessary in the discharge of the duties of said office, a sum not exceeding one thousand dollars ($\$1000$) per annum, payable on bills of particulars, certified by the adjutant general and approved by the governor. To the clerk in charge of ordnance and ordnance stores at the state arsenal, the sum of eight hundred dollars ($\$800$) per annum, payable quarterly, on the order of the adjutant general.

Adjutant general's office.

Sixteenth—For public printing and binding, forty thousand dollars ($\$40,000$), to be paid on the order of the secretary of state, auditor and treasurer, approved by the governor, to be paid from time to time, as the work is delivered.

Printing and binding.

Seventeenth—A sum not exceeding twenty thousand dollars per annum, for conveying convicts to the penitentiary, to be paid in the manner and at the compensation fixed by general law.

Conveying convicts to penitentiary.

Eighteenth—A sum not exceeding four thousand dollars per annum, for apprehending and delivery of fugitives from justice, to be paid on the evidence now required by law, certified and approved by the governor.

Delivery of fugitives from justice.

Nineteenth—A sum not exceeding two thousand dollars per annum, for costs and expenses in state suits, to be paid on bills of particulars, certified to by the auditor and approved by the governor.

Costs in state suits.

Twentieth—The sum of seventy thousand dollars, annually, or so much as may be necessary, to pay the interest on the school, college and seminary funds, distributed annually under laws in force. The amount to be so distributed to the Normal University was included in the act appropriating money to that institution, passed at the first session of this general assembly; but nothing in said act shall be con-

Interest on school, college and seminary fund.

strued to authorize the payment of any greater sum out of any other funds, or in any other manner than is provided in the law making the distribution of said funds: *Provided*, the portion of this fund provided by law to be paid to the institution for the education of the deaf and dumb, shall be credited to the revenue fund, as it was included in the appropriation made to said institution at the first session of the present general assembly.

State school
fund tax.

Twenty-first—The sum of nine hundred thousand dollars annually, of state school fund tax, or as much of said fund as may be raised by taxation on assessments, of one thousand eight hundred and seventy, one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, as may be necessary to pay the annual amounts of said state school fund tax, distributed in the several counties under the laws governing such distribution. The auditor shall issue his warrants on the proper evidence that the amount distributed has been paid to the county school superintendents.

For refunding
state taxes.

Twenty-second—Such sum as may be necessary to refund state taxes on real estate sold or paid in error, and for over-payments on collectors' accounts, under laws governing such cases, to be paid out of the proper funds.

Twenty-third—The sum of not exceeding six thousand dollars per annum, for the pay and expenses of the state board of equalization.

Board of public
charities.

Twenty-fourth—To the board of public charities the sum of two thousand dollars per annum, or so much thereof as may be necessary, to pay clerk hire and secretary, and the sum of three thousand dollars per annum, or so much thereof as may be necessary, to pay all other expenses of said board, to be paid on bills of particulars approved by the governor.

Custodian of
field notes and
surveys.

Twenty-fifth—The sum of eight hundred dollars per annum, for salary of the custodian of public field notes and surveys, also two hundred dollars per annum, for office expenses of said custodian, to be paid on bills certified to him and approved by the governor.

Incidental ex-
penses of the
supreme court.

Twenty-sixth—There is hereby appropriated, to defray the incidental and contingent expenses of the supreme court, to-wit: for stationery, postage, fuel, lights, repairs, furniture, express, books, blanks, janitor and other expenses as may be deemed necessary by the court, the following sums per annum:

Northern grand
division.

To the northern grand division, the sum of two thousand dollars.

Central grand
division.

To the central grand division, the sum of fifteen hundred dollars.

Southern grand
division.

To the southern grand division, the sum of fifteen hundred dollars. The same to be drawn out of the state treasury from moneys not otherwise appropriated, upon warrants

from the auditor of public accounts, who is authorized to issue such warrant upon bill of items, certified to by at least two of the justices of said court. The sum of three hundred dollars per annum is hereby allowed to the librarian of each of the divisions of the supreme court for taking care of the libraries, to be drawn quarterly out of the state treasury from moneys not otherwise appropriated, upon warrant from the auditor, said bill to be certified to by two justices of the supreme court. . . Librarians.

Twenty-seventh—That the sum of two thousand dollars (\$2,000) is hereby appropriated for each of the commissioners to revise the statutes, to-wit: H. B. Hurd, M. Schaeffer and William E. Nelson, to be paid to said commissioners severally, by the treasurer, on the warrant of the auditor. Commissioners to revise the statutes.

§ 2. The auditor of public accounts is hereby directed to draw his warrant on the state treasurer for the sums herein specified, upon presentation of the proper vouchers; and the state treasurer shall pay the same out of the proper funds in the treasury not otherwise appropriated. Auditor to draw warrant. Treasurer to pay.

APPROVED June 22, 1871.

AN ACT to amend an act entitled "An act to provide for the ordinary and contingent expenses of the state government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the general assembly," approved June 22, 1871. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section twenty-four of "An act to provide for the ordinary and contingent expenses of the state government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the general assembly," is hereby amended to read as follows: "To the board of public charities the sum of seven thousand dollars per annum, from July first, eighteen hundred and seventy-one, or so much thereof as may be necessary, to be paid on bills of particulars, approved by the governor."

APPROVED April 9, 1872.

AN ACT to provide the governor with a contingent fund.

In force March 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a sum not exceeding ten thousand dollars is hereby appropriated,

and shall be subject to the order of the governor, for defraying all such expenses as are unforeseen by the general assembly.

Emergency.

Whereas the appropriation heretofore made by this general assembly, for the contingent fund, has been exhausted by the governor in defraying expenses that were sudden and unforeseen, as shown by his report, therefore an emergency has arisen, and this act shall be in force from and after its passage,

APPROVED March 1, 1872.

In force Jan. 31, 1871. AN ACT to authorize the state treasurer and auditor to purchase coin for the purpose of paying the state indebtedness.

Emergency.

WHEREAS certain state bonds, payable in gold, have been by proclamation of the governor declared due and payable on the fifteenth day of February next; and, whereas the funds in the treasury provided for the payment of the same are in currency, whereby an emergency has arisen rendering it necessary that this act should take effect immediately; therefore,

State treasurer and auditor to purchase coin.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the governor is hereby authorized to direct the state treasurer and auditor to purchase, at the lowest market price, the necessary coin and exchange required to pay the principal and interest of said bonds, with the funds provided by law for that purpose.

To make a detailed report.

§ 2. That said treasurer and auditor shall make a detailed report of said purchase, showing the date, from whom purchased, the amount and rate of premium paid for each purchase of gold coin and exchange; also their actual expenses paid out in carrying out the provisions of this act, with such other facts as the governor may require. Said report shall be accompanied with a table showing the daily quotations of the sales of gold in New York during the entire time the said state officers shall be engaged in purchasing said gold.

Auditor to issue warrant.

§ 3. Upon the requisition of the governor the auditor shall issue his warrant upon the treasurer for the amount paid as premium for said gold and exchange, with the said expenses. No commission to be paid to said treasurer, auditor or any other state officer by virtue of this or any other act, and no commission shall be allowed to any other person or persons whomsoever, if such gold and exchange can be bought as cheaply without paying such commission.

No commission to be allowed.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED January 31, 1871.

AN ACT to appropriate moneys in aid of the State Board of Agriculture and of the country agricultural boards. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated to the State Board of Agriculture the sums following, to-wit: For the payment of premiums at the annual state fair, the sum of three thousand dollars (\$3000) per annum, for two years; for the use of county agricultural boards, the sum of one hundred dollars (\$100) each per annum, for two years. Appropriations.

§ 2. On the order of the president, countersigned by the secretary of the state board of agriculture and approved by the governor, the state auditor shall draw his warrant upon the state treasurer in favor of the treasurer of the state board of agriculture, for the sums herein appropriated: *Provided*, that each warrant shall show the agricultural board for whose benefit the same is drawn, and that no warrant shall be drawn in favor of any county agricultural board, unless the order aforesaid be accompanied by a certificate of the secretary of the State Board of Agriculture, showing that in such county there has been held, in the year preceding, a fair for the encouragement of general agriculture, at which premiums to the amount of not less than five hundred dollars (\$500) were paid: *And, provided, further*, that it shall be the duty of said treasurer of the State Board of Agriculture to pay over to the proper officer of each county board of agriculture the sum received for its benefit as aforesaid, and to make a biennial report to the governor of all such appropriations received and disbursed by him. Auditor to draw warrant.

APPROVED January 5, 1872.

AN ACT for the support of the Illinois Institution for the Education of the Deaf and Dumb. In force March 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of defraying the ordinary expenses of the Illinois Institution for the Education of the Deaf and Dumb, from the first day of March, one thousand eight hundred and Appropriations.

Directors to file
vouchers.

Repairs and
improvements
and insurance.

Auditor to
draw warrant.

Emergency.

seventy-one, to the first day of July, one thousand eight hundred and seventy-three, the sum of fifty-eight thousand two hundred and fifty dollars (\$58,250) per annum be and is hereby appropriated, payable quarterly out of the treasury: *Provided*, that after the payment for one quarter shall have been made, no further warrants shall be issued in favor of the directors of the said institution until satisfactory vouchers are filed in the office of auditor of public accounts, approved by the board of trustees, showing in detail each and every expenditure made from the appropriation for the preceding quarter, verified by the affidavit of the principal of said institution. And that there be and is hereby appropriated the further sums of one thousand dollars (\$1000) per annum for repairs and improvements; five hundred dollars (\$500) per annum for insurance; five hundred dollars (\$500) per annum for the purchase of pupils' library; and twelve hundred dollars (\$1200) for relaying floors in the main building and north wing.

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer for the said sums, upon orders of the board of directors of the Illinois Institution for the education of the Deaf and Dumb, signed by the president and attested by the secretary of said board, with the seal of the institution.

§ 3. The support of the institution being not otherwise provided for from the first day of March, one thousand eight hundred and seventy-one to the first day of July, one thousand eight hundred and seventy-one, this act is declared an emergency act, and shall take effect and be in force on the first day of March, one thousand eight hundred and seventy-one.

APPROVED March 29, 1871.

In force April 7, 1871. AN ACT making appropriations for the re-erection of the south wing of the Deaf and Dumb Institution at Jacksonville.

Appropriations. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the removal of the south wing of said institution, which, by a commission of architects, has been pronounced insecure and unsafe, and for the reconstruction of the same, in conformity with the north wing and main building, the sum of forty-five thousand dollars (\$45,000), or so much thereof as may be necessary for the reconstruction, heating and plumbing of said south wing, is hereby appropriated out of the treasury, payable to the contractor, or person or persons to whom the same is due. For the construction of said building the directors shall not obligate the state for the pay-

ment of any sum of money in excess of appropriations made for that purpose.

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer for the said sums, upon orders of the board of directors of the Illinois Institution for the Education of the Deaf and Dumb, signed by the president, and attested by the secretary of said board with the seal of the institution. Auditor to draw warrant.

§ 3. That inasmuch as the said wing of said institution has been vacated in consequence of the great danger of said wing falling down, therefore an emergency exists requiring that said work shall commence as soon as practicable, and that this act shall go into effect immediately. This act shall take effect and be in force from and after its passage. Emergency.

APPROVED April 7, 1871.

AN ACT to create and support a state institution to be called "The Illinois Charitable Eye and Ear Infirmary," for the treatment of needy persons suffering from diseases of the eye or ear. In force July 1, 1871.

WHEREAS the trustees of the Chicago Charitable Eye and Ear Infirmary, at their regular annual meeting, held January third, eighteen hundred and seventy-one, voted unanimously to transfer all the property belonging to said infirmary to the People of the State of Illinois, on the conditions stated in this act, to be held by the state in trust for the benefit of the poor of the state suffering from diseases of the eye or ear; therefore, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the governor is hereby directed to receive, in accordance with a form of conveyance approved by him, on conditions stated in section nine of this act, all the property belonging to the Chicago Charitable Eye and Ear Infirmary, together with all the records and accounts of said infirmary. Governor to receive property

§ 2. The board of trustees and officers of said infirmary, to evidence their assent to this act and the transfer of the property of said infirmary to the state, shall make and enter in their record of proceedings, a minute, accepting this act according to its terms, and transferring to the state of Illinois all the property of said infirmary, a certified copy of which, approved by the governor, shall be filed with the auditor of public accounts; and said minute shall be a transfer of said property to the state. Trustees to enter minutes of acceptance, etc.

§ 3. On and after the passage of this act the name and title of said infirmary shall be "The Illinois Charitable Eye and Ear Infirmary." Name and title.

Governor to ap-
point trustees.

Duties of trust-
tees.

To make by-
laws, rules and
regulations.

Duties to be
performed with-
out remunera-
tion.

Auditor to
draw warrants.

Money to be
expended for
needy patients.

Annual reports
of expenditures.

Endowment
fund.

Property to re-
vert to trustees,
when appropri-
ations cease.

§ 4. The governor, by and with the advice and consent of the senate, is hereby directed to appoint a board of five trustees of said infirmary. Said trustees and their successors may elect, annually, from their number, a president, a vice-president, and a secretary; may appoint a treasurer and a board of skillful attending and consulting surgeons. It shall further be the duty of this board of trustees to receive, in the name of the state, all donations, gifts, bequests, and moneys which may be obtained for said infirmary, and apply the same to the charitable purposes for which they may be received. An exact account of the donations, gifts, bequests and moneys thus obtained, shall be rendered annually to the governor. Said board of trustees may make such by-laws, rules and regulations for the government of themselves, their officers and said infirmary as shall seem to them expedient, not inconsistent with this act.

§ 5. The board of trustees and the board of attending and consulting surgeons, appointed in accordance with this act, shall all perform their duties without remuneration.

§ 6. When the certified copy of the minute making such transfer, provided for in section two of this act, shall have been filed, the auditor of public accounts is hereby authorized and directed to draw warrants on the state treasurer, as follows: one, for five thousand dollars, on or before the tenth day of July, in the year of our Lord eighteen hundred and seventy-one; and another, for the like amount of five thousand dollars, on or before the tenth day of July, in the year of our Lord eighteen hundred and seventy-two—each to the order of the treasurer of the trustees of the infirmary, and to deliver such warrants to said treasurer for the support of said infirmary. The money so appropriated shall be expended for the support of needy patients from the state of Illinois suffering from diseases of the eye or ear, who shall present to the superintendent of the infirmary written certificates of their place of residence, and their absolute inability to pay for their board or treatment, signed by the supervisor of the town where they reside, or by their family physician.

§ 7. An exact account of the manner in which this money drawn from the state treasury shall be expended, shall be printed in the annual reports of the infirmary. A statement of all the receipts and expenditures of the infirmary shall be made annually to the governor.

§ 8. The endowment fund, amounting to six thousand dollars, now held and owned by said infirmary, may be used, if said board of trustees shall determine, in the purchase of a lot or lots for the use of said infirmary.

§ 9. When the general assembly shall cease to make an appropriation of an annual amount equal to that specified in section six of this act for the support and use of said infirmary, the property conveyed to the state shall revert to

the trustees mentioned in section two of this act, or their successors.

APPROVED April 17, 1871.

AN ACT to provide means to pay the expense of renting and furnishing suitable accommodations for the Illinois Charitable Eye and Ear Infirmary. In force March 19, 1872.

WHEREAS the Illinois Charitable Eye and Ear Infirmary, created a state institution in accordance with an act passed by the general assembly of eighteen hundred and seventy-one, was totally destroyed, with all its furniture and appliances, in the recent conflagration at Chicago; and whereas, in consequence of a sudden and pressing necessity, the patients of the infirmary were removed to new accommodations; and whereas the present condition of the city of Chicago renders it impossible to raise money as heretofore by subscription for an infirmary building and furniture; therefore,

Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the treasurer of the state pay to the treasurer of the Illinois Charitable Eye and Ear Infirmary the sum of four thousand dollars, to be expended by the trustees of the infirmary, as follows: Two thousand five hundred dollars for the rent of a suitable infirmary building, and one thousand five hundred dollars for furnishing the same.

Appropriation.

§ 2. The auditor of public accounts is hereby required to draw his warrant as soon as practicable on the state treasurer for said four thousand dollars, upon the order of the president of said board of trustees of said infirmary, attested by the secretary of said board of trustees.

§ 3. In consequence of the total destruction of the infirmary and its furniture, an emergency exists why this act shall take effect before the first day of July next; therefore this act shall take effect and be in force from and after its passage.

Emergency.

APPROVED March 19, 1872.

In force March 29, 1871. AN ACT appropriating money for the ordinary expenses of the Illinois Institution for the Education of the Blind, from the first day of March, one thousand eight hundred and seventy-one, to the first day of July, one thousand eight hundred and seventy-three.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of defraying the ordinary expenses of the State Institution for the Education of the Blind, from the first day of March, eighteen hundred and seventy-one, to the first day of July, eighteen hundred and seventy-three, be and there is hereby appropriated out of the state treasury the sum of twenty thousand dollars per annum, from the first day of March, eighteen hundred and seventy-one, to the first day of July, eighteen hundred and seventy-three; said money to be paid in equal quarterly payments.

Appropriation for ordinary expenses. Auditor to draw warrant. Trustees to file accounts with auditor. § 2. The auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer for the sums aforesaid, upon the orders of the trustees of the said institution, signed by the president and attested by the secretary, with the seal of the institution attached thereto: *Provided*, that before the auditor shall draw any such warrant, the said trustees shall file with the said auditor an account with bills of particulars, and the proper vouchers of the money expended for the use of said institution during the preceding quarter, verified by the affidavit of the proper person, together with estimates of the amount necessary for the ensuing quarter. Such account and estimates shall be approved by the governor, and no more money shall be drawn at any time than shall appear from said estimates necessary to support said institution until the expiration of the ensuing quarter.

Emergency. § 3. That inasmuch as there will be funds needed to meet the ordinary expenses of the said institution, before the first day of July, eighteen hundred and seventy-one: therefore an emergency exists requiring that this act should go into effect immediately. This act shall take effect and be in force from and after its passage.

APPROVED March 29, 1871.

In force March 29, 1871. AN ACT making appropriations for the support of the Illinois Institution for Feeble Minded Children, from March 1st, 1871, to July 1st, 1873.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of twenty-three thousand dollars (\$23,000) per annum is hereby appropriated from the first of March, eighteen hun-

Appropriation, ordinary expenses.

dred and seventy-one (1871), to the first of July, eighteen hundred and seventy-three (1873), for ordinary expenses for the Illinois Institution for the Education of Feeble Insurance. Vouchers to be filed with auditor. Auditor to draw warrants. Emergency. In force July 1, 1872. Preamble.

Minded Children, also, the sum of five hundred (\$500) dollars per annum for insurance and furniture from March first, eighteen hundred and seventy-one (1871), to July first, eighteen hundred and seventy-three (1873), is hereby appropriated for the same institution, and said sums shall be paid quarterly out of the state treasury. The said quarterly installments shall be paid in advance: *Provided*, that after payment for one quarter has been made, no further warrants shall be issued in favor of said institution until satisfactory vouchers shall have been filed with the auditor of public accounts, by the superintendent of said institution, approved by the trustees, showing in detail the amount and nature of each and every expenditure made out of the preceding quarterly installment of said appropriation, verified by the affidavit of said superintendent.

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrants on the treasurer of state for the said sums, upon orders of the Board of Directors of the Illinois Institution for the Education of the Deaf and Dumb, signed by the president, and attested by the secretary of said board, with the seal of the institution, until said institution is incorporated, and a separate board of trustees are appointed for it.

§ 3. That inasmuch as there are no funds with which to maintain and support the institution, therefore an emergency exists, requiring that this act go into effect immediately.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED March 29, 1871.

AN ACT to authorize and empower the copying of the original field notes of the United States surveys, of the state of Illinois, transferred from the surveyor general's office to the state, under an act of congress of the United States, and to make an appropriation for the payment of the expenses thereof.

WHEREAS the original field notes of the United States surveys, described in the title of this bill, made in the year A. D. one thousand eight hundred and six and thereafter, are now, many of them, nearly illegible by reason of the lapse of time and the imperfection of the materials used in recording; and whereas the boundaries of counties and the location of all the lands of the state of Illinois, are dependent on said field notes for the evidence of their location; therefore,

- SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the*
- Custodian to make copies. todian of the field notes, maps and plats of the United States surveys of the state of Illinois, be and hereby is authorized, empowered and directed, with reasonable dispatch, to make or cause to be made full and correct copies of the aforesaid field notes of the United States surveys now in his said office; said custodian shall use the best of India ink in copying.
- To be compared § 2. The field notes shall, when copied, be carefully examined, compared and certified as a true and correct copy by said custodian, and said copies and abstracts therefrom shall be competent evidence in all courts of said state.
- Evidence, And said copies shall remain in the office of said custodian.
- Fees. § 3. That the fees for the services aforesaid, when performed by said custodian, shall be for each township or fractional township, the sum of ten dollars.
- Appropriation. § 4. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, to carry out the provisions of this act.
- APPROVED January 10, 1872.

In force July 1, 1871. AN ACT making appropriations for the Illinois Industrial University.

- SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the*
- Appropriations sums hereinafter mentioned be and the same are hereby appropriated to the board of trustees of the Illinois Industrial University :
- For erection of main building. For the erection of a main building at a cost not exceeding one hundred and fifty thousand dollars when completed, to contain a hall for public exercises, the library, geological, zoological and botanical rooms, and rooms for lectures and class exercises, and offices, the sum of seventy-five thousand dollars.
- For mechanical department. For the erection of a building for the mechanical department, at a cost not exceeding the amount hereby appropriated when completed, to contain the rooms necessary for instruction in mechanical science and military tactics, for collections of models, workshops, and other necessary rooms, and for furniture and apparatus for the same, the sum of twenty-five thousand dollars.
- Chemical and mining apparatus. For chemical and mining apparatus and furniture, and books for chemical department, the sum of five thousand five hundred dollars, for two years.

For the horticultural department, for the additional seeds, trees, and labor for the forest plantations, the sum of seventeen hundred and fifty dollars per annum, for two years. Horticultural department.

For the agricultural department, for the expenses of field and other experiments, and for expenses of the annual courses of agricultural lectures held in various parts of the state, the sum of three thousand dollars per annum, for two years. Agricultural department.

For apparatus and books for instruction in agriculture and the mechanic arts, and the various branches of learning relating to the same, the sum of five thousand dollars per annum, for two years. Apparatus and books.

§ 2. The auditor of state is hereby authorized and directed to draw his warrant upon the treasurer of the state for the appropriations for building, in favor of the parties to whom the same may be due, upon proper vouchers, certified as correct by the trustees or a majority of them, and approved by the governor; and for the other appropriations herein, upon the order of the board of trustees, or a majority of them, and the approval of the governor: *Provided*, that no sum greater than five thousand dollars shall be drawn at one time, for other than building purposes: *And, provided, further*, that a second warrant shall not be drawn until satisfactory vouchers shall have been approved by the governor, and filed with the auditor, showing that all sums previously drawn have been properly expended, and for the purpose for which the same was appropriated. Auditor to draw warrants.

§ 3. For the construction of said buildings, the trustees shall not obligate the state for the payment of any sum of money in excess of appropriations made for that purpose; and said trustees shall, before either or any portion of the appropriations for building purposes shall be expended, cause to be prepared a full and complete set of plans and specifications of the entire proposed buildings, which shall be accompanied by estimates carefully made of the cost thereof, which shall be considered at a regular meeting of the board, and by them approved, when it shall be submitted to the governor for his approval. In case he approves the same, a copy of said estimates shall be filed in the auditor's office, when such appropriations may be expended. Trustees shall not obligate the state.

Governor to approve plans.

APPROVED April 15, 1871.

In force April 4, 1871. AN ACT appropriating money to pay deficiencies of appropriation for the current expenses of the Illinois State Hospital for the Insane, located at Jacksonville, Illinois, and to defray the current expenses of said hospital, to make repairs and improvements, to procure new boilers, construct boiler and wash-house, and furnish with necessary fittings, and for insurance and library.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That for the purpose of paying the deficiencies on former appropriations, arising from the increase in the number of patients during the last two years in the Illinois State Hospital for the Insane, located at Jacksonville, Illinois, the sum of twenty-two thousand dollars and three cents (\$22,000 03) be and is hereby appropriated to said hospital, payable out of the treasury of this state, on the passage of this act.*

Appropriation for deficiencies.

For ordinary expenses.

§ 2. For the purpose of defraying the ordinary expenses of said hospital from the first day of December, one thousand eight hundred and seventy, to the first day of July, one thousand eight hundred and seventy-three, the said hospital shall be and is hereby authorized to receive from the state treasury, during said term, the sum of one hundred thousand dollars per annum, payable quarterly, in advance: *Provided*, that after the first quarterly installment shall have been drawn from the state treasury, under the provisions of this section, no further warrants shall be issued in favor of said hospital until vouchers shall have been filed with the auditor of public accounts, by the superintendent of the said hospital, showing in detail the amount of money already expended, and for what purpose the said expenditures were made, verified by the affidavit of said superintendent.

Vouchers to be filed with auditor.

Repairs and improvements.

§ 3. That for the purpose of making repairs and improvements, the sum of five thousand (\$5000) dollars be and hereby is appropriated to said hospital, payable out of the treasury, as required for use; also, the further sum of ten thousand dollars, for procuring new beds, bedding and furniture; also, the further sum of twenty thousand dollars, for procuring new boilers, constructing boiler and wash-house, and furnishing necessary fittings, payable out of the treasury, when required for use; also, the further sum of fifteen hundred (\$1500) dollars per annum, for insurance, and the sum of two hundred and fifty (\$250) dollars, for patients' library.

Auditor to draw warrant.

§ 4. The auditor of public accounts is hereby authorized and required to draw his warrant upon the treasurer for the said sums, upon order of the board of trustees of the Illinois State Hospital for the Insane, signed by the president and attested by the secretary of said board, with the corporate seal of the institution.

§ 5. Inasmuch as a portion of the sums hereby appropriated are required for immediate use, in the liquidation of indebtedness already incurred, and in defraying the daily expenses of said hospital, this act shall take effect and be in force from and after its passage. Emergency.

§ 6. This act shall be a public act.

APPROVED April 4, 1871.

AN ACT to provide an additional water supply at the Hospital for Insane, located at Jacksonville, Illinois. In force July 1, 1872.

WHEREAS the drought of the past season has demonstrated that the present reservoir for water at the hospital for the insane, located at Jacksonville, is of insufficient capacity to meet the wants of that institution, and recognizing the great importance of a full supply of water, at all times, for the safety of the buildings from fire, as well as for the comfort and successful treatment of its inmates; therefore, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of building an additional reservoir, the sum of five thousand (\$5000) dollars be and is hereby appropriated to said hospital, payable out of the treasury of this state, as is required for use. Appropriation.

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrant upon the treasurer for the said sum, upon orders of the board of trustees of the Illinois State Hospital for the Insane, signed by the president and attested by the secretary of said board, with the corporate seal of the institution. Auditor to draw warrant.

APPROVED March 29, 1872.

AN ACT supplementary to an act entitled "An act appropriating money to pay deficiencies of appropriations for the current expenses of the Illinois Hospital for the Insane, located at Jacksonville, Illinois, and to defray the current expenses of said hospital, to make repairs and improvements, to procure new boilers, construct boiler and wash house and furnish with necessary fittings, and for insurance and library, and appropriating money to meet deficiencies in said appropriation." In force July 1, 1871.

WHEREAS the second section of the act to which this is supplementary, provides that "For the purpose of defraying the ordinary expenses of said hospital, from the first day of December, eighteen hundred and seventy, to the first day of July, eighteen hundred and seventy-three, the Preamble.

said hospital shall be and is hereby authorized to receive from the state treasury, during said term, the sum of one hundred thousand dollars per annum;" and whereas, the hospital had received from the state treasury, under the act of March twenty-fourth, eighteen hundred and sixty-nine, for current expenses of said hospital, for the fiscal quarter ending February twenty-eight, eighteen hundred and seventy-one, the sum of twenty-two thousand five hundred dollars, and the auditor of public accounts decided that the amount paid to said hospital under act of eighteen hundred and sixty-nine should be considered in making payment for the quarter ending February twenty-eight, eighteen hundred and seventy-one, under the act of April fourth, eighteen hundred and seventy-one; and whereas, a deficiency of twenty-five thousand dollars in current expenses of said hospital for said quarter will exist, if said hospital does not receive twenty-five thousand dollars for that quarter, in addition to the appropriation of eighteen hundred and sixty-nine; therefore,

Appropriation
for current ex-
penses.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of paying the current expenses of said hospital for the fiscal quarter commencing December first, eighteen hundred and seventy, and ending February twenty-eight, eighteen hundred and seventy-one, there is hereby appropriated the sum of twenty-five thousand dollars to said institution, which amount shall be in lieu of the appropriation made for said quarter in the act to which this is supplemental.

Auditor to
draw warrant.

§ 2. The auditor of public accounts is hereby authorized to draw his warrant on the state treasurer for the amount herein appropriated, upon the order of the board of trustees of the Illinois State Hospital for the Insane, signed by the president and attested by the secretary of said board, with the seal of the institution.

APPROVED June 14, 1871.

In force April
6, 1871.

AN ACT making appropriations for the completion of the Northern Insane Asylum at Elgin, and for furnishing and maintaining a part of the same for 1871 and 1872.

Appropriations.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of completing the north wing of the northern insane asylum, and for the land purchased therefor, there is hereby appropriated the sum of thirty-eight thousand five hundred and eighty-five dollars and twenty-six cents..\$38,585 26

For the erection of rear building, including engine house, laundry, kitchen and chapel, as per plans, the sum of forty-eight thousand five hundred dollars..... \$48,500 00

For heating apparatus, engine, pumps, kitchen and laundry apparatus, with water pipes to connect with those already provided for in the north wing, and gas works, the sum of twenty-six thousand eight hundred dollars.... 26,800 00

For reservoir, sewers and air ducts, the sum of seven thousand five hundred dollars.. 7,500 00

For fencing, grading, trees, farming stock, utensils and seed, the sum of eight thousand dollars..... 8,000 00

For furniture, bedding, tables, etc., for one hundred and fifty patients, at \$60 each, the sum of nine thousand dollars..... 9,000 00

For current expenses in maintaining one hundred and fifty patients for one year-at \$225 each, the sum of thirty-three thousand seven hundred and fifty dollars..... 33,750 00

Total.....\$172,135 26

The foregoing amounts to be paid as hereinafter provided, How to be paid. from any moneys now or hereafter in the treasury, not otherwise appropriated, and to be included in the tax levy of 1871. Said money to be paid by the auditor upon requisition of the trustees, approved by the governor, but each requisition shall be accompanied by the cash account to date of the treasurer of the board of trustees, and the estimate of the architect or superintendent of the amount necessary for the ensuing one or two months, and no requisition shall be for more money than is required for two months' expenditure.

§ 2. Whereas it is necessary, in order to make payments Emergency. due upon the lands of this institution and to proceed with the said buildings, that this act shall take effect prior to the first day of July next, this act is hereby declared an emergency act, and shall be in force from and after its passage.

APPROVED April 6, 1871.

In force July 1, 1872. AN ACT making appropriations for the completion of the Northern Hospital and Asylum for the Insane, at Elgin, and for furnishing the chapel, main building and south wing thereof, and for repairing and erection of cottages for the reception of patients, and for other items.

Appropriations
for erecting
building, etc.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of erecting the central building of the said northern asylum, according to the plans and specifications heretofore adopted, there is hereby appropriated—

For sewerage, five thousand five hundred dollars (\$5,500)

For furnishing chapel with seats, books, desk and organ, nine hundred and sixty dollars (\$960).

For erecting ice house and meat cellar therein, one thousand dollars (\$1,000).

For drug stock and fixtures, one thousand dollars (\$1,000).

For the erection of a barn at hospital, one thousand five hundred dollars (\$1,500).

For moneys advanced for railroad freight, and not paid by the city of Elgin, six thousand dollars (\$6,000).

For gas fixtures for rear building, including chapel, six hundred and fifty dollars (\$650).

For same for north wing, five hundred and fifty dollars (\$550).

For extra on four feet in hight of one section of north wing (agreed), four hundred dollars (\$400).

For repairing damage to roof by tornado, six hundred and fifty dollars (\$650).

For railroad track under building, three hundred and fifty dollars (\$350).

For brick and carpenter's work, for setting heating coils for north wing, seven hundred dollars (\$700).

For plumbing work, extra, one hundred dollars (\$100).

For lightning rods, six hundred and fifty dollars (\$650).

For refunding expense of bringing water from spring, two thousand two hundred and fifty-seven dollars and twenty-four cents (\$2,257 24.)

For deficiency in heating and gas works, including three-fifths of boilers for the entire building, costing, over the appropriation therefor, four thousand four hundred dollars (\$4,400).

For carpenter's work, fitting up the drying room, four hundred and twenty-five dollars (\$425).

For the erection of temporary connection and passage from rear building to north wing, two hundred and forty dollars (\$240).

How paid.

§ 2. The foregoing amounts to be paid as hereinafter provided, from any moneys now or hereafter in the treasury, not otherwise appropriated; said money to be paid by the auditor upon requisition of the trustees approved by the governor; but such requisition shall be accompanied by the

cash account to date, of the treasurer of the board of trustees, and the estimate of the architect or superintendent, of the amount necessary for the ensuing one or two months; and no requisition shall be for more money than is required for two months' expenditures.

§ 3. The appropriation heretofore made for the maintenance of one hundred and fifty patients, from the first day of November, in the year of our Lord one thousand eight hundred and seventy-one, to the first day of January, in the year of our Lord eighteen hundred and seventy-three, shall be and is hereby appropriated, to be used for the maintenance of a like number of patients under the same rules and limitations, from the first day of April, in the year of our Lord eighteen hundred and seventy-two, to the end of the first fiscal quarter after the adjournment of the next regular session of the general assembly.

Appropriation for maintenance of patients.

§ 4. The trustees of the said hospital are hereby authorized and required to sell, as soon as it can be done advantageously, all the surplus lands belonging to said institution, so as to reduce the amount of land to the quantity actually required for the proper management of the institution and the judicious employment of its inmates; the said sale or sales of land to be approved by the governor; and the proceeds of such sales shall be immediately paid into the state treasury.

Trustees to sell surplus lands.

APPROVED April 9, 1872.

AN ACT to make an appropriation to complete the north wing of the Southern Insane Asylum. In force Dec. 8, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* the sum of sixty-five thousand (\$65,000) dollars is hereby appropriated, to be used for the completion of the building designated as the north wing of the Southern Insane Asylum, located at Anna, Illinois.

Appropriations.

§ 2. The above appropriation to be paid out of any moneys in the treasury, not otherwise appropriated, upon the warrant of the auditor of public accounts on the state treasurer, to be issued upon the requisition of the commissioners appointed to construct the same, which shall be approved by the governor: *Provided*, that no such warrant shall be drawn for an amount greater than the sum of ten thousand dollars, and that after the first payment shall have been made, no further warrants shall be issued until satisfactory vouchers are filed in the office of auditor of public accounts, approved by the board of trustees, showing each and every expenditure made from the last appropriation,

How paid.

Vouchers.

nor until the sum total of such expenditures shall show a balance of not exceeding five hundred dollars on hand of said last appropriation: *And, provided, further*, that this appropriation shall take the place of the appropriation intended to have been made by a bill for "An act to appropriate funds for the continuance of the work upon the Southern Insane Asylum, located at Anna, in the state of Illinois," which had passed both houses of this general assembly, on the seventeenth day of April, eighteen hundred and seventy-one, but failed to reach the governor prior to the meeting of this adjourned session.

Emergency.

§ 3. Whereas said building is now partially constructed, and it is necessary the same should be completed as soon as possible, and there being no appropriation made to complete the same, an emergency exists requiring this act to take effect immediately: therefore this act shall take effect and be in force from and after its passage.

APPROVED December 8, 1871.

In force July 1, 1872. AN ACT to make an appropriation to construct and complete the Southern Insane Asylum, at Anna, and for furnishing the same.

Appropriation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the purpose of erecting and completing the Southern Insane Asylum, in accordance with the plans and specifications heretofore adopted, and for furnishing a portion of the same for the reception of patients, the following sum of money be and the same is hereby appropriated, viz: one hundred and forty-three thousand dollars.

How paid.

§ 2. The amount before specified shall be paid from any moneys in the treasury not otherwise appropriated, and shall be paid by warrants issued by the auditor of public accounts on the treasurer of state, but no warrants shall be issued until the commissioners to construct said institution shall make a requisition for such amount as may be necessary, and all such requisitions shall be approved by the governor. Every requisition shall only be for the amount necessary to be expended for the two months next ensuing the date of such requisition, and shall be accompanied by a statement from the treasurer of the board of commissioners, showing the amount of money on hand and the manner in which the sum last drawn was expended, or so much thereof as has been expended, and no warrant shall be issued if it appears from said statement that there is an unexpended balance of five thousand dollars remaining in the hands of said treasurer.

§ 3. The commissioners appointed to construct the said asylum are hereby authorized and required to sell, as soon as it can be advantageously done, all the surplus lands belonging to the said asylum, so as to reduce the amount of land to the quantity actually required for the proper management of the institution and the judicious employment of its inmates, the said sale or sales to be approved by the governor; and the proceeds thereof shall be paid into the state treasury.

Commissioners
to sell surplus
land.

APPROVED April 9, 1872.

AN ACT to establish the salary of the Lieutenant-Governor.

In force Dec. 22,
1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the lieutenant-governor of this state shall receive a salary of twelve hundred dollars per annum, said salary to commence on the eighth day of August, in the year of our Lord one thousand eight hundred and seventy, and be paid to him in quarter-annual installments, on the warrant of the auditor of state, out of any moneys not otherwise appropriated.

§ 2. Whereas, by the constitution, no pay can be received by him until his salary is fixed by law, and it is proper that he should receive pay at the time of the performance of his duties as such officer, whereby an emergency has arisen: therefore, this act shall take effect and be in force from and after its passage, and that this law continue in force until January first, one thousand eight hundred and seventy-three, and no longer.

APPROVED December 22, 1871.

AN ACT to appropriate money to the State Normal University for the next two years. In force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following sums of money be and they are hereby appropriated, and directed to be annually paid to the Board of Education of the State of Illinois, for the maintenance of the State Normal University, to-wit:

For salaries, in addition to the income from the college and seminary fund, nine thousand dollars.

For library of books of reference, seven hundred and fifty dollars.

Appropriations.

Salaries.

Library.

Repairs.	For ordinary repairs, one thousand dollars.
Grounds.	For care of grounds, two hundred and fifty dollars.
Museum.	For improving the museum and salary of curator, two thousand five hundred dollars: <i>Provided</i> , that the money appropriated in this bill for the payment of the salary of a curator, or for the support of the museum, shall not be paid until the state natural history society shall have relinquished all its rights and title in and to said museum to the state of Illinois, in such manner as may be approved by the governor.
Expenses of board of education.	For expenses of members of the board of education, five hundred dollars.
Fuel.	For fuel, seven hundred and fifty dollars.
Janitor's supplies.	For janitor's supplies, one hundred dollars.
Chemicals and apparatus.	For chemicals and apparatus, fifteen hundred dollars.
College and seminary fund.	For twenty-three twenty-fourths of the interest due from the state on the college and seminary fund, twelve thousand four hundred and forty-four dollars and ninety-nine cents.
To be paid quarterly in advance.	And that the sums of money appropriated in this section shall be paid quarterly in advance, by the treasurer of the state, upon the warrant of the auditor of public accounts.
Appropriation for fences, etc.	§ 2. That the sum of twelve hundred dollars be and the same is hereby appropriated, for the purpose of erecting a suitable and sufficient fence around the university grounds, for the protection of the grounds, and of the improvements thereon. That the sum of four thousand dollars be and the same is hereby appropriated, for the purpose of procuring a new boiler, and for improvements in the heating apparatus and the ventilation. And that the sums of money appropriated in this section shall be paid by the treasurer of the state out of any money in the treasury not otherwise appropriated, upon the warrant of the auditor of public accounts of the state of Illinois, to be issued in favor of the parties to whom the same is due: <i>Provided</i> , that satisfactory vouchers, certified by the board of education, approved by the governor, shall first be filed with the auditor, showing that it was expended only for the purpose for which the same is hereby appropriated.
Boiler, etc.	
Vouchers to be filed.	

APPROVED April 14, 1871.

In force July 1, 1871. AN ACT to provide for an investigation of the discipline, management and financial condition of the State Penitentiary, and to make an appropriation to pay the expenses thereof.

Committee. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That a committee, to consist of two members of the senate and three members of the house of representatives, to be appointed as*

may be provided by the rules of the senate and house of representatives, or by the separate order of each house, or by a joint concurrent resolution of both branches of the general assembly, as may be hereafter determined, is hereby created to investigate the management, discipline and financial condition of the State Penitentiary.

§ 2. The said committee shall assemble on some day to be hereafter designated by the majority thereof, and before the tenth day of July, one thousand eight hundred and seventy-one, and at the senate chamber in the city of Springfield, and organize by electing one of their number as chairman, and by appointing a secretary (who shall also be reporter), and after such organization notify the governor thereof; and it shall thereafter be the duty of the governor and all other state officers, and of the officers, agents, and employes of the penitentiary to furnish to said committee, at its request therefor, copies of all requisitions, orders, receipts, vouchers, official letters, correspondence, and other papers or books in their possession or under their control, that relate to the discipline, management, or financial condition or affairs of said penitentiary; and if required so to do, shall submit any original paper or book in their possession to said committee, for its inspection, and also furnish all information in their possession to said committee, that may relate, in any way, to the said penitentiary, or its management, when required so to do.

Organization of committee.

Governor and others to furnish books and papers.

§ 3. After said committee is organized as aforesaid, it shall have power to hold its sessions either at Springfield or at the penitentiary, and it shall have the power to examine all books, papers, vouchers, receipts, or other thing that may belong to the penitentiary, or that relates to its business or management, and it shall be the duty of every officer, agent or employe of said penitentiary to aid the said committee in the prosecution of its duties, as may be required by said committee.

Sessions of the committee.

§ 4. Said committee shall have power to compel all persons to appear before them, and give evidence touching the management, discipline, government, and the financial affairs and business of the penitentiary, and to require any and all persons to produce to said committee, for examination, any and all books and papers that relate thereto, and the chairman of said committee, for the time being, shall have full power and authority to administer oaths, and any person who shall swear falsely, touching any material fact before said committee, shall be deemed guilty of perjury, and shall be punished accordingly.

Powers of committee.

§ 5. For the purpose of compelling the appearance of persons, and the production of books and papers before said committee, the chairman thereof shall issue his summons, in which shall be stated the time and place for the appearance of such person, or the production of such books and

Chairman of committee to issue summons.

Refractory witnesses.

papers (if any), and a brief description of any such books or papers required; and such summons shall be served by any sheriff or other officer of this state, or by any person to be designated by the said chairman, by indorsement on said summons, and the manner of service shall be by the delivery of a copy thereof to the party named therein, or by leaving such copy at his usual place of abode, with some member of his family; and any person served with such summons in manner aforesaid, not less than three days before the time fixed therein for his or her appearance, who shall fail or refuse to appear before said committee, or shall fail or refuse to produce any book or paper required as aforesaid, or who shall willfully refuse to answer any question propounded to him or her, by or under the direction of said committee, in relation to the business or management of said penitentiary, its discipline, government or financial condition, or in relation to any of the acts or conduct of any of its officers, agents or employes, shall be subject to indictment in the circuit court of Sangamon or Will county, as the case may be, and upon conviction shall pay a fine of not less than twenty nor more than one thousand dollars, and shall stand committed until the fine and costs are paid.

Conduct of witnesses.

§ 6. If any person shall misbehave him or herself in the presence of said committee when in session, or shall, after due service of summons to appear before said committee, without sufficient excuse (to be determined by said committee by vote, to be entered upon the minutes of its proceedings), fail or refuse to appear before said committee, or to produce any papers in his or her possession, or under his or her control, when required so to do, or shall refuse to answer any question propounded to him or her, by or under the order of said committee, in relation to the business or management of said penitentiary, its discipline, government or financial condition, or in relation to the acts or conduct of any of its officers, agents or employes, he or she shall be deemed guilty of contempt, and shall be fined as provided in section five of this act.

Appropriation for expenses.

§ 7. A sum not exceeding five thousand dollars is hereby appropriated for the payment of the expenses of said investigation, and the auditor shall draw his warrant upon the treasurer for the payment of such expenses, upon the certificate of the chairman of this committee. The members of said committee shall be paid the sum of five dollars per day, for the time actually and necessarily employed, to be certified by the chairman of said committee; and the said committee shall make a full and complete report of the testimony so taken, as aforesaid, to this house at its adjourned session.

Claims against penitentiary.

§ 8. It shall be the duty of said committee to audit the claims against said penitentiary, which have been incurred up to the first day of April, in the year of our Lord one

thousand eight hundred and seventy-one, and when so audited shall submit each claim, with the evidence thereof, to the next session of the general assembly.

§ 9. Three of said committee shall constitute a quorum, and no vote shall be declared affirmatively without the concurrence of a quorum; and in the absence of the chairman of said committee, the committee may choose a temporary chairman, who, for the time being, shall have all the powers and perform all the duties of the chairman.

§ 10. The warden shall dispose of such machinery, stock and assets of the penitentiary as may be unnecessary for the proper employment of the convicts, and the management of the prison, at such time and in such manner as the committee may direct, and pay the proceeds thereof into the treasury of the state.

Warden to dispose of unnecessary stock.

APPROVED June 16, 1871.

AN ACT to legalize the payment by the governor of certain funds belonging to the state to the penitentiary commissioners. In force July 1, 1872.

By reference to the governor's message to the present general assembly the history of such payment and the character of the funds used will appear; and, whereas, the use of said funds was without authority of law, but believing that the same was justifiable and in good judgment; therefore,

Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the said act of the governor is hereby legalized, and upon his presenting to the auditor a proper voucher from the penitentiary commissioners for the amount (\$39,000), the auditor shall issue a special warrant, directing the treasurer to make such entries on his books as will show the credit to the governor of said sum, as having been received by him from the United States, and said auditor shall charge the amount to the penitentiary.

Act of governor legalized.

APPROVED January 22, 1872.

AN ACT to provide for the payment of deficiency of former appropriations for the current expenses of the Illinois State Penitentiary. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the purpose of paying the deficiencies on former appropria-

Appropriation for deficiencies.

tions for maintaining the penitentiary, the sum of one hundred and seventy five thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated to pay all debts due from said penitentiary, contracted on or before the eighth day of August, in the year of our Lord eighteen hundred and seventy, (the time when the new constitution was adopted,) to be paid to the persons to whom the same is due, upon vouchers certified to be correct by the chairman of the committee appointed to investigate the affairs of said institution and audit said claims, and by the warden of the penitentiary.

Claims allowed. § 2. That each claimant shall be allowed the amount found due, including interest, by the joint committee of investigation into the affairs of the Illinois State Penitentiary, appointed under an act entitled "An act to provide for an investigation of the discipline, management and financial condition of the Illinois State Penitentiary," approved June tenth, eighteen hundred and seventy-one, and reported by said committee to this general assembly, with six per cent. interest per annum until the same is paid.

Auditor to draw warrant. § 3. The auditor is hereby authorized and required to draw his warrant on the treasurer, in favor of the persons holding said claims, for the amount certified as above provided, to the amount of the sum herein appropriated—to be paid out of any money in the state treasury not otherwise appropriated.

Warden to retain proceeds of sales. § 4. That for the purpose of paying the claims or part of claims furnished or contracted for since the adoption of the present constitution, with interest as provided in section two of this act, the warden is authorized to retain in his hands a sufficient amount of the proceeds from the sales of such machinery, stock and assets of the penitentiary, as are unnecessary for the management of the same, as provided in section ten of "An act to provide for the investigation of the penitentiary," approved June sixteenth, eighteen hundred and seventy-one, to be paid to the claimants upon vouchers certified to by the chairman of said committee.

Warden to sell machinery and stock. § 5. In order that the last mentioned class of claims be paid at as early a day as possible, the warden is hereby directed to sell said machinery and stock, as well as all other such unnecessary property, accumulating from time to time, as speedily as practicable, and realize from the assets by sale, compromise and collection, in the most expeditious and economical manner, keeping an accurate account of all such collections and sales; and after paying said claims, shall pay the balance, with all the surplus earnings of the penitentiary, into the state treasury, to be placed to the credit of the penitentiary as the "Penitentiary fund," which may be drawn therefrom upon the order of the warden, approved by the governor, to meet any unexpected demand

upon the management, or for necessary repairs or improvements.

APPROVED March 1, 1872.

AN ACT making appropriations for the State Reform School.

In force July 1,
1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated out of any money in the treasury of the state of Illinois, not otherwise appropriated, the following sums of money for the uses of the State Reform School, located at Pontiac, Illinois, to-wit: To pay the present indebtedness of the said State Reform School, the sum of thirty thousand and three hundred and twenty-four dollars and thirty-two cents. For the purpose of purchasing live stock and tools to be used upon the farm connected with said institution, the sum of five thousand dollars. For furnishing the building for the reception of inmates, ten thousand dollars. For outbuildings, fences and barn, five thousand dollars. To defray the current expenses of the said reform school, there is hereby appropriated the sum of twenty five thousand dollars per annum for two years.

Appropriations

§ 2. The auditor of state is hereby authorized and directed to draw his warrant upon the treasurer of the state of Illinois, for the first sum above appropriated, in favor of the parties to whom the same is due, upon proper vouchers approved by the trustees, and for the other sums herein appropriated, on the order of the trustees, for the uses of the State Reform School: *Provided*, that no sum greater than five thousand dollars shall be drawn at one time (but not to apply to said first sum herein appropriated) *And provided, further*, that a second warrant shall not be drawn until satisfactory vouchers shall have been approved by the governor, and filed with the auditor, showing that all sums previously drawn have been properly expended, and for the purpose for which the same was appropriated, which shall be verified by the affidavit of the proper person.

Auditor to
draw warrant.

Vouchers to be
filed.

§ 3. The trustees of the said State Reform School are hereby directed and required to pay into the treasury of the state of Illinois, as fast as it is collected, the sum of fifty-three thousand six hundred and sixty-nine dollars, the same being the amount now in the hands of Jonathan Duff, late the treasurer of the said reform school.

Funds in hands
of late treasurer.

§ 4. This act shall take effect and be in force from and after the first day of July, 1871.

APPROVED April 15, 1871.

In force July 1, 1872. AN ACT to make an appropriation to pay the debts of the State Reform School.

Preamble.

WHEREAS, by an act of the general assembly, making appropriations for the State Reform School, it was ordered that the sum of fifty three thousand six hundred and sixty-nine dollars (which was part of the amount donated to secure the location of said school), then in the hands of Jonathan Duff, late treasurer, should be transferred from the fund of said school, and when collected to be paid into the treasury of the state (a suit for which is now pending against the sureties); and whereas the sum that was appropriated in lieu thereof, to be used for the payment of the then existing indebtedness, was thirty thousand three hundred and twenty-four dollars and thirty-two cents, which amount was inadequate for the purpose named, and to pay for work under contract and since completed; and whereas the persons to whom the money is due are greatly in need of the same, and have been obliged to pay high rates of interest on money used in lieu thereof; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated out of any money in the treasury not otherwise appropriated :

To the Gardner Coal Company, the sum of three hundred and eighty-three dollars and thirty-five cents (\$383 35), and twenty-six dollars and eighty cents (\$26 80) for interest.

To John H. Bryant, four thousand eighty dollars and eighty-nine cents (\$4,080 89), and four hundred ninety-two dollars and seventy-five cents (\$492 75) for interest due him.

To the Bloomington Manufacturing Company, five thousand thirty-seven dollars and seventy-two cents (\$5,037 72), and six hundred and eight dollars and twenty-five cents (\$605 25) for interest due them.

To Valentine Jobst, eight hundred dollars and seventy-one cents (\$800 71), and seventy-six dollars twenty-five cents (\$76 25) for interest.

To Heafer & McGregor, four thousand seven hundred and eighty-five dollars and fifty cents (\$4,785 50), and five hundred seventy-seven dollars and eighty cents (\$577 80) for interest due them.

To Kinsey & Mabler, five thousand and twenty-three dollars and four cents (\$5,023 04), and six hundred and nine dollars forty-five cents (\$609 45) for interest.

To William J. Murphy, one hundred eighty-five dollars and ten cents (\$185 10) and twenty-six dollars fifty cents (\$26 50) for interest.

To H. Hill, four hundred and twenty nine dollars and fifty cents (\$429 50), and forty dollars eighty-five cents (\$40 85) for interest.

To George Messersmith, three hundred and fifty-six dollars and sixteen cents (\$356 16), and thirty-two dollars forty-five cents (\$32 45) for interest.

To A. Kinsley, one hundred and fifty-seven dollars and twelve cents (\$157 12), and fourteen dollars forty-five cents (\$14 45) for interest.

To Joseph Crow, ninety one dollars (\$91 00), and five dollars fifty cents (\$5 50) for interest.

To W. H. Lucas, one hundred and fifty-three dollars and seventy cents (\$153 70), and twelve dollars sixty-five cents (\$12 65) for interest.

To Roberts & Neal, one hundred and eight dollars (\$108), and eleven dollars twenty cents (\$11 20) for interest.

To A. S. Fisher, two hundred and fifty-seven dollars and twenty-one cents (\$257 21), and seventeen dollars seventy-five cents (\$17 75) for interest.

To E. Shrider, one hundred and nine dollars and fifty cents (\$109 50), and nine dollars thirty cents (\$9 30) for interest.

To Charles Pollard, eleven dollars and sixty-two cents (\$11 62), and sixty-eight cents (68c.) for interest.

§ 2. The auditor of public accounts is hereby directed to draw his warrant upon the treasurer for the several sums specified in the foregoing section, in favor of the persons therein named, respectively.

Auditor to
draw warrant.

APPROVED March 21, 1872.

AN ACT to make appropriations for the Soldiers' Orphans' Home, and to maintain said institution for the next two years. In force April 3, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the first day of March, in the year of our Lord eighteen hundred and seventy-one, to the first day of July, in the year of our Lord eighteen hundred and seventy-three, there is hereby appropriated to the Soldiers' Orphans' Home, the sum of fifty thousand dollars per annum for the support, education, nurture and care of the children of deceased or disabled soldiers.

Appropriation
for support.

§ 2. To pay for necessary repairs for same period, the sum of one thousand dollars per annum is hereby appropriated.

Repairs.

§ 3. The trustees are directed to insure said home buildings, and for the purpose of effecting an insurance, there is appropriated the sum of five hundred dollars per annum.

Insurance.

§ 4. The following sums are hereby appropriated for the purposes herein specified, viz: For school building and

Miscellaneous
appropriations.

dormitories, fifteen thousand dollars; for steam heating apparatus, with boiler and all attachments complete, the sum of twelve thousand dollars; for kitchen, laundry, bakery and boiler house, the sum of six thousand dollars; for deficiency from previous expenditures, not reported nor covered by any appropriation, and which had to be met out of the moneys designed for the direct support of the home for the year of our Lord eighteen hundred and seventy, and prior to July first, in the year of our Lord eighteen hundred and seventy-one—twenty-one thousand two hundred and forty-four dollars and eighty-one cents; for the purpose of increasing the library, the sum of five hundred dollars.

Auditor to
draw warrant.

§ 5. The auditor of public accounts is hereby authorized to draw his warrant upon the state treasurer for the said sum, for deficiency, in favor of the parties to whom the same may be due, upon proper vouchers certified by the trustees, or a majority of them, and approved by the governor. No indebtedness to be paid from said fund except that accruing before March first, in the year of our Lord eighteen hundred and seventy-one; and for the other sums hereby appropriated, upon the request of the treasurer of the board of trustees of said institution, signed by the president and attested by the secretary, with the seal of the institution: *Provided*, that no sum greater than ten thousand dollars shall be drawn at one time: *And, provided, further*, that a second warrant shall not be drawn until satisfactory vouchers shall have been approved by the governor and filed with the auditor, showing that all sums previously drawn have been properly expended, and for the purpose for which the same was appropriated.

Vouchers to
be filed.

Sums collected
to be paid into
treasury.

§ 6. That all sums hereafter collected by the trustees from the assets of the institution, shall be paid into the state treasury: *And, provided, further*, that no part of this appropriation shall be paid until the treasurer shall have executed a bond for not less than twenty five thousand dollars, to be approved by the governor.

Emergency.

§ 7. That inasmuch as there will be funds needed to meet the ordinary expenses of said institution before the first day of July, in the year of our Lord eighteen hundred and seventy-one, therefore an emergency exists requiring that this act should go into effect immediately. This act shall take effect and be in force from and after its passage.

APPROVED April 3, 1871.

AN ACT to make an appropriation for the payment of a portion of the indebtedness of the trustees of the Illinois Soldiers' Orphans' Home, and to provide for an investigation into the management and indebtedness of the same. In force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be appropriated out of any moneys in the treasury not otherwise appropriated, to the trustees of the Illinois Soldiers' Orphans' Home, the sum of eleven thousand nine hundred and two dollars and eighty-four cents (\$11,902 84); or so much thereof as may be necessary for the payment of expenditures made in the support, maintenance and education of soldiers' orphans, and for the other ordinary current expenses of the Illinois Soldiers' Orphans' Home, for the months of December, January and February last. Appropriation.

§ 2. That a committee, to consist of two members of the senate and three members of the house of representatives—to be appointed as may be provided by the rules of the said senate and house of representatives, or by the separate order of each house, or by a joint concurrent resolution of both branches of the general assembly, as may be hereafter determined—is hereby created to investigate the management, discipline and financial condition of the State Soldiers'-Orphans' Home, located at Normal. Committee of investigation.

§ 3. The said committee shall assemble, on some day to be hereafter designated by the majority thereof, and before the tenth day of July, eighteen hundred and seventy-one, and at the senate chamber in the city of Springfield, and organize by electing one of their number as chairman, and by appointing a secretary, who shall also be reporter, and after such organization, notify the governor thereof; and it shall thereafter be the duty of the governor and all other state officers, and of the officers, agents and employes of the Soldiers' Orphans' Home to furnish to the said committee, at its request therefor, copies of all requisitions, orders, receipts, vouchers, official letters, correspondence, and other papers or books in their possession under their control, that relate to the discipline, management or financial condition of affairs of said Soldiers' Orphans' Home; and if required so to do, shall submit any original paper or book in their possession to said committee for its inspection, and also furnish all information in their possession to said committee that may relate in any way to the said Soldiers' Orphans' Home or its management, when required so to do. Organization of committee.

§ 4. After such committee is organized, as aforesaid, it shall have the power to hold its sessions either at Springfield or at the Soldiers' Orphans' Home, and it shall have the power to examine all books, papers, vouchers, receipts, or other thing that may belong to the Soldiers' Orphans' Home, or that relates to the business or management; and it shall be the duty of every officer, agent or employe of Governor and others to furnish papers.

Powers of committee.

said Soldiers' Orphans' Home to aid the said committee in the prosecution of its duties, as may be required by said committee.

To compel attendance of witnesses.

§ 5. Said committee shall have power to compel all persons to appear before them and to give evidence touching the management, discipline, government and the financial affairs and business of the Soldiers' Orphans' Home, and to require any and all persons to produce to said committee, for examination, any and all books and papers that relate thereto, and the chairman of said committee, for the time being, shall have full power and authority to administer oaths; and any person who shall swear falsely touching any material fact before said committee, shall be deemed guilty of perjury, and shall be punished accordingly.

Chairman § to issue summons.

§ 6. For the purpose of compelling the appearance of persons and the production of books and papers before said committee, the chairman thereof shall issue his summons, in which shall be stated the time and place for the appearance of such person, or the production of such books and papers (if any), and a brief description of any such books or papers required; and such summons shall be served by any sheriff or other officer of this state, or by any person to be designated by the said chairman, by indorsement on said summons; and the manner of service shall be by the delivery of a copy thereof to the party named therein, or by leaving such copy at his usual place of abode, with some member of his family; and any person served with such summons, in manner aforesaid, not less than three days before the time fixed therein for his or her appearance, who shall fail or refuse to appear before said committee, or shall fail or refuse to produce any book or paper, required as aforesaid; or who shall willfully refuse to answer any question propounded to him or her, by or under the direction of said committee, in relation to the business or management of said Soldiers' Orphans' Home, its discipline, government or financial condition, or in relation to any of the acts or conduct of any of its officers, agents or employes, shall be subject to indictment in the circuit court of Sangamon county, or McLean county, as the case may be; and upon conviction shall pay a fine of not less than twenty nor more than one thousand dollars, and shall stand committed until the fine and costs are paid.

Refractory witnesses.

Conduct of witnesses.

§ 7. If any person shall misbehave him or herself in the presence of said committee when in session, or shall, after due service of summons to appear before said committee, without sufficient excuse (to be determined by said committee, by vote to be entered upon the minutes of its proceedings), fail or refuse to appear before said committee, or to produce any papers in his or her possession, or under his or her control, when required so to do, or shall refuse to answer any question propounded to him or her, by or under

the order of said committee, in relation to the business or management of said Soldiers' Orphans' Home, its discipline, government or financial condition, or in relation to the acts or conduct of any of its officers, agents or employes, he or she shall be deemed guilty of contempt, and shall be fined as provided in section six of this act.

Appropriation
for expenses.

§ 8. A sum not exceeding one thousand dollars is hereby appropriated for the payment of expenses of the said investigation, and the auditor shall draw his warrant upon the treasurer for the payment of such expenses, upon the certificate of the chairman of this committee. The members of said committee shall be paid the sum of five dollars per day for the time actually and necessarily employed, and also necessary traveling expenses, to be certified by the chairman of said committee.

Committee to
audit claims.

§ 9. It shall be the duty of said committee to audit the claims against said Soldiers' Orphans' Home, which have been incurred up to the first day of March, one thousand eight hundred and seventy-one, and to make a complete list of such claims giving the dates of the same, the names of the original and present claimants, the services or other considerations upon which said claims are based, and the amount of each of said claims, with the opinion of the committee as to the validity of each, and the amount that should equitably be paid by the state upon each; and such list of claims, as aforesaid, shall be included in the report prescribed in section twelve of this act.

§ 10. Three of said committee shall constitute a quorum, and no vote shall be declared affirmatively without the concurrence of a quorum; and in the absence of the chairman of said committee, the committee may choose a temporary chairman, who, for the time being, shall have all powers and perform all the duties of the chairman.

Quorum, tem-
porary chair-
man.

§ 11. It shall be the duty of the committee, upon the completion of the investigation, to lay before the governor a full and complete report, with any recommendations as to the management, discipline and financial condition of said Soldiers' Orphans' Home, or as to any officers, employes or any other persons who now are or heretofore have been connected with said institution.

Report of the
committee.

APPROVED June 16, 1871.

AN ACT making appropriations for the payment of the indebtedness of the Soldiers' Orphans' Home.

In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the* sum of fifty thousand and one dollars (\$50,001), or so much

Appropriation
for indebted-
ness.

thereof as may be necessary, be and the same is hereby appropriated for the liquidation of the indebtedness of the Soldiers' Orphans' Home, located at Normal, according to the schedule approved by Hon. James Shaw, chairman of the committee of investigation appointed under the act approved June sixteen, eighteen hundred and seventy-one, with interest thereon as provided in said schedule, but at six per cent per annum, and up to July first, eighteen hundred and seventy-two, at said rate; and the auditor of public accounts is hereby directed to draw his warrant for the said sums for such indebtedness, in favor of the parties to whom the same may be due, or their assignees, upon proper vouchers certified by the trustees of the Soldiers' Orphans' Home, or a majority of them, and approved by the governor: *Provided*, that no indebtedness shall be paid from said fund, except that accruing before March first, eighteen hundred and seventy-one: *And, provided, further*, that the amounts originally due John M. Snyder and John S. Clark, as contained on said schedule, shall not be paid until all claims of the institution against each of them has been settled to the satisfaction of the trustees.

Claims deferred.

Current ex-
pense fund.

§ 2. The further sum of eleven thousand two hundred and fifty dollars is hereby appropriated to reimburse the current expense fund of the Soldiers' Orphans' Home, for an equal amount already paid on the deficiency of the home out of that fund, and the auditor of public accounts is hereby directed to draw his warrant upon the state treasurer for the said sum of eleven thousand two hundred and fifty dollars, in favor of the treasurer of the Soldiers' Orphans' Home, and the same shall be paid out of any money in the treasury not otherwise appropriated, subject to the provisions contained in section five of "An act to make appropriations for the Soldiers' Orphans' Home, and to maintain the said institution for the next two years," approved April third, eighteen hundred and seventy-one.

Repeal.

§ 3. The first section of "An act to make an appropriation for the payment of a portion of the indebtedness of the trustees of the Illinois Soldiers' Orphans' Home, and to provide for an investigation into the management and indebtedness of the same," approved June sixteenth, eighteen hundred and seventy-one, appropriating the sum of eleven thousand nine hundred and two dollars and eighty-four cents, for the payment of the expenditures of the home for the months of December, January and February last, is hereby repealed.

APPROVED March 12, 1872.

AN ACT to make further appropriations for the construction of the new State House. In force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in the erection and completion of the new state house, the state house commissioners be and they are hereby authorized at any subsequent letting of the work, after having advertised in the manner now provided by law, to make and enter into contracts for the whole or any portion of the materials and labor that may be required in each class of work to be placed under contract (except that which can be done at the penitentiary as now provided by law), and specified in their advertisement; but the said commissioners, at such letting, shall not obligate the state for the payment of any sum of money in excess of appropriations already made, until such payment has been provided for by an appropriation made for that purpose. And all contracts entered into under this act shall provide that no payments will be made thereon, by or on behalf of the state, after the appropriations made for the new state house are exhausted, until a further appropriation shall be made therefor, and that the work may be suspended during that time at the option of the contractor: *Provided*, that the commissioners may contract for labor and material requiring an expenditure of not exceeding two thousand five hundred dollars, without advertising as aforesaid.

Commissioners
to contract for
labor and mate-
rials.

Shall not obli-
gate the state.

§ 2. That for the purpose of carrying on the work on the new state house, the sum of six hundred thousand dollars be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, in addition to the unexpended balance of former appropriations made for the new state house, which sum is hereby reappropriated for that purpose: *Provided*, that no part of this appropriation shall be paid out of the state treasury until there shall have been filed with the secretary of state a good and sufficient bond of individuals, in favor of the People of the State of Illinois, in the penal sum of five hundred thousand dollars (\$500,000), to be approved by the governor of the state of Illinois, conditioned that the obligors will procure or cause to be obtained for the state of Illinois such additional grounds as the state may indicate and require, whenever so demanded, not exceeding four acres to the south of and adjoining the new capitol grounds, free of cost to the state; or in case said grounds cannot be furnished by said individuals, or they should refuse to do so, then the state may proceed to condemn such grounds as it may require for the purpose of enlarging said capitol grounds; the amount assessed for the same under such condemnation, shall be paid by the obligors of said bond.

Appropriation.

Bond for addi-
tional grounds.

Condemnation
by the state.

The demand by the state for such additional grounds, and the condemnation, if necessary, shall be made within two years after the new state house is ready for the use of the two houses of the general assembly, and which land so to be condemned or procured is to be not less than the quantity of land described in a certain bond filed with the secretary of state at the last session of the twenty-seventh general assembly, and which bond is dated on the fourth day of April, one thousand eight hundred and seventy-one.

Compensation
of commissioners.

§ 3. The state house commissioners shall each receive for their services one thousand dollars per annum, and no more: *Provided*, that one of their number may serve as secretary, and shall receive for such service fifteen hundred dollars in addition to his one thousand dollars as commissioner.

APPROVED June 14, 1871.

In force July 1, 1872. AN ACT providing for the publication and distribution of the fifth volume of the report of the State Geologist, and to fix the amount of his salary until the publication of the sixth and final volume of said report.

Appropriation
for report.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the publication of three thousand copies of the fifth volume of the report of the state geologist is hereby authorized, and the sum of six thousand five hundred dollars is hereby appropriated to defray the cost of engraving the necessary plates, maps and diagrams required for said volume. Said engraving to be done under the direction of the state geologist, who first obtain bids for doing the work from several different engravers, and submit such bids to the governor, who shall first approve the bid most favorable to the state, and order the geologist to make a contract on the terms of said bid.

aper.

§ 2. The secretary of state is hereby required to procure the paper necessary for the said fifth volume, of a quality not inferior to that used in the volumes of this report already published, and have said volume printed under the state contract for public printing, and bound by the public binder in same style and quality as former volumes, at a rate to be fixed, before delivered to him, by the secretary, auditor and treasurer, with the aid of experts, as now provided by law; and the amount necessary to defray the expense of the same is hereby appropriated.

Distribution.

§ 3. The secretary of state is hereby authorized to distribute the said fifth volume, when published, as follows: one copy to each college, educational, historical and literary institution in the state, as now provided by law; two hundred copies to the state geologist, to be used in exchanges, a list

of which shall be submitted to the governor for his approval, and on all such copies for exchange shall be written or printed "With the compliments of the People of the State of Illinois," and the person's name to whom sent, and the balance of said volumes to the members of the twenty-seventh general assembly, to be by them distributed in their respective counties and districts, as far as practicable, to persons who have sets of the former volumes.

§ 4. There shall be paid to the state geologist the sum of two thousand dollars, as in full for his services and all expenses in superintending the publication of the said fifth volume, and finishing the sixth volume for publication—to be paid quarterly out of any money in the state treasury not otherwise appropriated. Pay of state geologist.

APPROVED April 3, 1872.

AN ACT to provide and furnish suitable rooms for the supreme court in the central grand division of this state, and to make an appropriation therefor. In force Jan. 8, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the judges of the supreme court are authorized to procure, by lease or otherwise, suitable rooms in the city of Springfield, in which the supreme court may hold its sessions for the central grand division, until otherwise provided by law, and to furnish such rooms with appropriate furniture, and to make all necessary contracts or leases therefor. Judges to procure rooms.

§ 2. The sum of not exceeding five thousand dollars is hereby appropriated to enable the judges of the supreme court to procure and furnish such rooms with appropriate furniture, and pay the rent therefor, and such other necessary expenses as may attend the removal of the court thereto; and the auditor of public accounts, upon presentation to him of the bills or vouchers containing the items of such expenditure, with the certificate of the judges of the supreme court attached, showing the correctness thereof, shall draw his warrant upon the treasurer, payable out of any money not otherwise appropriated, for such portion or portions of said sum above appropriated as may have been actually expended for the purposes aforesaid. Appropriation.

§ 3. Inasmuch as the state has no suitable rooms for the sessions of the supreme court in said division now unoccupied, an emergency exists requiring this act to take immediate effect: therefore this act shall take effect and be in force from and after its passage. Emergency.

APPROVED January 8, 1872.

In force July 1, 1872. AN ACT making an appropriation for the purpose of repairing and enlarging the supreme court houses at Mt. Vernon and Ottawa, Illinois.

Preamble.

WHEREAS the court houses for the supreme court at Mt. Vernon and Ottawa, Illinois, were constructed with a view to the accommodation of the court under the constitution of eighteen hundred and forty-eight (1848); and, whereas, by the constitution of eighteen hundred and seventy (1870), the number of the judges is increased from three to seven, so that the said houses are wholly inadequate to the necessities of the court, as well as the large increase of business in said court; and, whereas, the said court houses are in great need of repairs; therefore,

Appropriation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of twenty thousand dollars (or so much thereof as may be necessary) is hereby appropriated, out of any funds in the state treasury not otherwise appropriated, for the purpose of repairing and enlarging the supreme court house at Mt. Vernon, Illinois, and the sum of twenty thousand dollars (or so much thereof as may be necessary), for the purpose of repairing and enlarging the supreme court house at Ottawa, Illinois.

Judges to supervise.

§ 2. The said repairing and enlarging of said houses shall be under the control, supervision and direction of the judges of the supreme court.

Auditor to draw warrant.

§ 3. The auditor of public accounts shall, from time to time, draw his warrants on the treasurer of the state, in favor of the parties doing such repairs, furnishing material therefor, or making said enlargement, upon bills of particulars verified by the affidavit of the said parties and approved by the judges of the supreme court, or a majority of them.

APPROVED February 21, 1872.

In force July 1, 1871. AN ACT to provide for and fix the salary of the judges of the supreme court.

Annual salary.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be allowed and paid to each of the judges of the supreme court, in lieu of any and all other fees, salary and compensation whatsoever, an annual salary of five thousand dollars, payable in quarter-yearly installments, out of the state treasury, on the warrant of the auditor of public accounts, from and out of any money not otherwise appropriated.

Repeal.

§ 2. Any and all laws in conflict with this act are hereby repealed.

APPROVED March 17, 1871.

AN ACT to make an appropriation to pay for fitting up the hall of the house of representatives and the senate chamber, for the use of this general assembly. In force Jan. 27, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be appropriated, out of any money in the treasury not otherwise appropriated, the sum of eight thousand eight hundred and twenty-three dollars and four cents (\$8,823 04), for the purpose of paying for fitting up the hall of the house of representatives and the senate chamber, for the use of this general assembly, to be paid upon bills of particulars, to the parties entitled thereto, verified by affidavit, certified by the secretary of state and approved by the governor. Appropriation.

§ 2. That whereas an emergency exists, making it necessary that this bill should take effect prior to the first day of July next, viz: that the amount of said appropriation is now due and payable, therefore this act shall take effect and be in force from and after its passage. Emergency.

APPROVED January 27, 1872.

AN ACT making an appropriation to pay H. G. Fitzhugh for labor in repairing the state arsenal. In force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of one hundred and eighty dollars and seventy cents be and is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay H. G. Fitzhugh for labor on the state arsenal. Appropriation.

§ 2. The auditor of public accounts is hereby authorized to draw his warrant on the treasurer for said amount, when the said Fitzhugh shall file his account, duly proven, in the auditor's office. Auditor to draw warrant.

APPROVED April 15, 1871.

AN ACT to allow Walter B. Caswell the sum of one hundred and sixteen dollars and sixty-seven cents, and interest on the same at ten per cent. per annum, from July 1st, 1867. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Walter B. Caswell, assignee of George R. McGregor, be allowed the sum of one hundred and fifty-seven dollars and fifty-

seven cents, in full for money due him from the state, for the amount of a voucher issued by the state penitentiary commissioners to the said George R. McGregor, upon filing said voucher for the amount appropriated herein; and that the auditor of public accounts be and he is hereby authorized and directed to draw his warrant on the state treasurer, in favor of the said Walter B. Caswell, for the above amount.

APPROVED March 4, 1872.

In force July 1, 1871. AN ACT providing for the procurement of the portrait of ex-Governor Thomas Carlin.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the governor be and he is hereby authorized and empowered to employ a competent artist to paint for the state a portrait of ex-Governor Thomas Carlin, to be placed in its proper position in the executive mansion.

§ 2. Said portrait shall be painted under the direction of the governor and subject to his final approval, and shall be of the same relative size and in all respects equal to that of Governor Palmer, painted by A. E. Darling; and upon the governor's certificate to the auditor of public accounts that said portrait is completed satisfactorily, the auditor shall draw his warrant upon the treasurer for the sum of five hundred dollars in favor of the aforesaid artist.

APPROVED April 17, 1871.

In force Oct. 20, 1871. AN ACT to relieve the lien of the city of Chicago upon the Illinois and Michigan Canal and revenues, by refunding to said city the amount expended by it in making the improvement contemplated by "An act to provide for the completion of the Illinois and Michigan Canal upon the plan adopted by the state in 1836," approved February 16th, 1865, together with the interest thereon, as authorized by section five of said act, and to provide for issuing bonds therefor.

Preamble. WHEREAS the city of Chicago has expended a large amount of money, to-wit: the sum of two and a half millions of dollars, to secure the completion of the Summit division of the Illinois and Michigan Canal, under and pursuant to the provisions of said acts so approved February sixteenth, A. D. 1865, and acts supplementary thereto; and whereas, the said city has a vested lien upon the said canal with its revenues, subject to any canal debt existing at

the time of the passage of said acts ; and whereas, said then existing debt due by the state has been fully paid and canceled ; and whereas, the canal trustees have delivered to the state of Illinois, possession and control of said canal ; and whereas, it is provided, by section five of said act, as follows: "The state of Illinois may at any time relieve this lien upon the canal and revenues, by refunding to the city of Chicago the amount expended in making the contemplated improvement and the interest thereon." Now, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of two million nine hundred and fifty-five thousand three hundred and forty dollars; with interest thereon until paid, be and the same is hereby appropriated for the purpose of relieving the lien as aforesaid, being the principal expended and the interest thereon, which said sum is hereby refunded to said city : and when paid, said city shall execute and deliver to the state of Illinois a proper release of said lien to the satisfaction of the governor; and the auditor of state, under the direction of the governor, is hereby directed to draw his warrant for said sum of money and interest, payable only out of any moneys in the treasury belonging to the fund hereafter provided, to be known as the "Canal Redemption fund." That for the purpose of providing said fund, any funds that are now or may be hereafter in the state treasury, paid in on the settlement of the canal commissioners with the trustees of the Illinois and Michigan Canal, as well as from the revenues of the canal ; also, all funds that are now or may hereafter be paid into the state treasury, known as the Illinois Central railroad fund, shall be transferred by the state treasurer, upon the auditor's warrant drawn for that purpose, to said redemption fund ; that a tax of one and one-half mills on each dollar of the assessed value of all the taxable property of the state be levied as a special tax, for the years 1871 and 1872; and to meet any deficit in said revenues to meet said appropriation the governor, auditor and treasurer are hereby authorized to issue bonds of the state of Illinois to the amount of two hundred and fifty thousand dollars, said bonds to bear interest at the rate of six per cent. per annum, payable semi-annually in the city of New York, and shall be paid at pleasure of the state at any time after three years after the date thereof, and shall be of such denominations as the governor may deem advisable, and be known as the "Revenue Deficit Bonds," and shall be delivered to the city authorities of the city of Chicago, at par, as a part payment on above appropriation : *Provided, however,* that not less than one-fifth, nor to exceed one third of said sum so appropriated, shall be received by said city, and be applied in reconstructing the bridges and the public buildings and

Appropriation.

Bonds to be issued.

structures destroyed by fire, upon the original sites thereof, as already provided by the common council; and the remainder thereof to be applied to the payment of the interest on the bonded debt of such city, and the maintenance of the fire and police departments thereof.

Emergency.

Whereas, by reason of a great conflagration in the city of Chicago, the public buildings, bridges and other public improvements have been totally destroyed and the business of the courts is suspended, whereby an emergency exists as a reason why this act shall take effect before the first day of July next; therefore,

Be it further enacted, That this act shall take effect and be in force from and after its passage.

APPROVED October 20, 1871.

In force April
9, 1872.

AN ACT for the relief of Augustus Bauer, Asher Carter, and William C. Deakman.

Preamble.

WHEREAS the committee on public buildings and state library of the senate and house of representatives, acting under an act of the general assembly, approved March eleven, one thousand eight hundred and sixty-nine, and entitled "An act to amend 'an act to provide for the erection of a new state house,' approved February twenty-fifth, one thousand eight hundred and sixty-seven, and to amend "An act supplemental to 'an act to provide for the erection of a new state house,' approved February twenty-fifth, one thousand eight hundred and sixty-seven," in the examination of the plans, specifications and estimates laid before them by the commissioners of the new state house, found it necessary to employ and procure the assistance of professional architects and builders to revise and examine said plans and specifications, and to make estimates of the cost of said building; and, for such purpose, did procure the services of Messrs. Augustus Bauer, Asher Carter, and William C. Deakman, whose account and charges for their services and expenses incurred in connection therewith, were duly presented to and approved by the said committees of the senate and house of representatives, on the second day of August, in the year of our Lord one thousand eight hundred and sixty-nine; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That, the auditor of public accounts be and he is hereby directed to draw his warrant on the state treasurer in favor of said Augustus Bauer, Asher Carter and William C. Deakman, for the sum of nine thousand dollars (\$9000), to be paid out of

Appropriation.

the appropriation heretofore made to the new state house ; and the acceptance of said sum shall be deemed as a full compensation for said service.

APPROVED April 9, 1872.

ASSOCIATIONS.

AN ACT to enable associations of persons to become a body corporate to In force July 1, raise funds, to be loaned only among their members. 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any number of persons, not less than five, may desire to become incorporated as a mutual building, loan and homestead loan association, for the purpose of building and improving homesteads, they shall make a statement to that effect under their hands, and duly acknowledged before some officer in the manner provided for the acknowledgment of deeds—setting forth the name of the proposed corporation, its capital stock, its location, and duration of the corporation—Manner of incorporation. which statement shall be filed in the office of the secretary of state. The secretary of state shall thereupon issue to such persons a license as commissioners to open books for subscription to the capital stock of said corporation, at such time and place as they may determine ; but no license shall be issued to two associations having the same name.

§ 2. As soon as one hundred shares or more of the capital stock shall be subscribed, the commissioners shall convene a meeting of the subscribers, for the purpose of electing directors, adopting a charter and by-laws, and the transaction of such other business as shall come before them. Notice thereof shall be given by depositing in the post office, properly addressed to each subscriber, at least six days before the time fixed, a written or printed notice, stating the object, time and place of such meeting. Directors of corporations organized under this act shall be elected, classified, and hold their office for such period of time as is provided for by general law governing the election and classification of directors, trustees or managers of corporations. Meeting of subscribers.

§ 3. The commissioners shall make a full report of their proceedings, including therein a copy of the notice provided for in the foregoing section, a copy of the subscription list, a copy of the charter and by-laws adopted by the association, and the names of the directors elected, and their respective terms of office, which report shall be sworn to by at least a Report of proceedings.

majority of the commissioners, and shall be filed in the office of the secretary of state. The secretary of state shall thereupon issue a certificate of the complete organization of the corporation, making a part thereof a copy of all papers filed in his office in and about the organization of the corporation, and duly authenticated under his hand and seal of state; and the same shall be recorded in a book for that purpose, in the office of the recorder of deeds in the county in which the principal office of such company is located. Upon the recording of said copy, the corporation shall be deemed fully organized, and may proceed to business. Unless such company shall be organized and shall proceed to business, as provided in this act, within two years after the date of such license, the license shall be deemed revoked, and all proceedings thereunder void.

Bodies politic
and corporate.

§ 4. Corporations formed under this act shall be bodies corporate and politic for the period for which they are organized; may sue and be sued; may have a common seal, which they may alter or renew at pleasure.

Board of di-
rectors.

§ 5. The corporate powers shall be exercised by a board of directors: *Provided*, the number of directors shall not be increased or diminished, or their term of office changed, without the consent of the owners of two-thirds of the shares of stock. The officers of the company shall consist of a president, secretary and treasurer, and such other officers and agents as shall be provided for in the charter and by-laws of the association: *Provided*, that no loan shall be made by said corporation, except to its own members.

Shares of stock,
stockholders.

§ 6. The shares of stock shall be one hundred dollars each, and shall be deemed personal property, and transferable, upon the books of the company, in such manner as may be provided by the by-laws, and subscriptions therefor shall be made payable to the corporation, and shall be payable in such periodical installments, and at such time or times as shall be determined by the charter and by-laws; but no periodical payment to be made exceeding two dollars on each share; and every share of stock shall be subject to a lien for the payment of unpaid installments and other charges incurred thereon under the provisions of the charter and by-laws; and the by-laws may prescribe the form and manner of enforcing such lien. New shares of stock may be issued in lieu of the shares withdrawn or forfeited, and the stock may be issued in one or in successive series, in such amount as the board of directors may determine; and any stockholder wishing to withdraw from the said corporation shall have power to do so by giving thirty days' notice of his or her intention to withdraw, when he or she shall be entitled to receive the amount paid in by him or her, and such interest thereon as the by-laws may determine, less all fines and other charges: *Provided*, that at no time

shall more than one-half of the funds in the treasury of the corporation be applicable to the demands of withdrawing stockholders, without the consent of the board of directors, and that no stockholder shall be entitled to withdraw whose stock is held in pledge for security. Upon the death of a stockholder, his or her legal representatives shall be entitled to receive the full amount paid in by him or her, and legal interest thereon, first deducting all charges that may be due on the stock; no fines shall be charged to a deceased member's account, from and after his or her decease, unless the legal representatives of such decedent assumes the future payment on the stock.

§ 7. Married women may become subscribers to the capital stock of such association, and hold, control and transfer their stock in all respects as *femes sole*, and their stock shall not be subject to the control of or liable for the debts of their husbands. Married women

§ 8. The board of directors shall hold such stated meetings as may be provided by the by-laws, at which the money in the treasury, if over one hundred dollars, shall be offered for loan in open meeting, and the stockholder who shall bid the highest premium for the preference or priority of loan, shall be entitled to receive a loan of one hundred dollars for each share of stock held by said stockholder: *Provided*, that such stockholder may borrow such fractional part of one hundred dollars as the by-laws may provide, and good and ample security shall be given by the borrower, to secure the repayment of the loan. In case the borrower shall neglect to offer security, or shall offer security that is not approved by the board of directors by such time as the by-laws may prescribe, he or she shall be charged with one month's interest, together with any expenses incurred, and the money shall be resold at the next stated meeting. In case of non-payment of installments or interest by borrowing stockholders, for the space of six months, payment of principal and interest, without deducting the premium paid or interest thereon, may be enforced by proceeding against their securities, according to law. Meetings of board.

§ 9. A borrower may repay a loan at any time, and in case of the repayment thereof, before the expiration of the eighth year after the organization of the corporation, there shall be refunded to such borrower one-eighth of the premium paid, for every year of the said eight years then unexpired. Loans.

§ 10. No premiums, fines or interest on such premiums, that may accrue to the said corporation, according to the provisions of this act, shall be deemed usurious, and the same may be collected as other debts of like amount may be collected by law in this state. Premiums.

Failure to elect
officers.

§ 11. No corporation or association created under this act shall cease or expire from neglect on the part of the corporation to elect officers at the time mentioned in their charter or by laws; and all officers elected by such corporation shall hold their offices until their successors are duly elected.

May purchase
real estate.

§ 12. Any loan or building association incorporated by or under this act is hereby authorized and empowered to purchase at any sheriff's or other judicial sale, or at any other sale, public or private, any real estate upon which such association may have or hold any mortgage, judgment, lien or other incumbrance, or ground rent, or in which said association may have an interest, and the real estate so purchased, to sell, convey, lease or mortgage at pleasure, to any person or persons whatsoever.

APPROVED April 4, 1872.

ATTACHMENTS.

In force July 1,
1872.

AN ACT in regard to attachments in courts of record.

When creditor
may have at-
tachment.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in any court of record having competent jurisdiction, a creditor may have an attachment against the property of his debtor, or that of any one or more of several debtors, when the indebtedness exceeds twenty dollars, in any one of the following cases:

First—Where the debtor is not a resident of this state.

Second—When the debtor conceals himself or stands in defiance of an officer, so that process cannot be served upon him.

Third—Where the debtor has departed from this state with the intention of having his effects removed from this state.

Fourth—Where the debtor is about to depart from this state with the intention of having his effects removed from this state.

Fifth—Where the debtor is about to remove his property from this state to the injury of such creditor.

Sixth—Where the debtor has, within two years preceding the filing of the affidavit required, fraudulently conveyed or assigned his effects, or a part thereof, so as to hinder or delay his creditors.

Seventh—Where the debtor has, within two years prior to the filing of such affidavit, fraudulently concealed or disposed of his property so as to hinder or delay his creditors.

Eighth—Where the debtor is about fraudulently to conceal, assign or otherwise dispose of his property or effects, so as to hinder or delay his creditors.

Ninth—Where the debt sued for was fraudulently contracted on the part of the debtor: *Provided*, the statements of the debtor, his agent or attorney, which constitute the fraud, shall have been reduced to writing, and his signature attached thereto, by himself, agent or attorney.

§ 2. To entitle a creditor to such writ of attachment, he or his agent or attorney shall make, and file with the clerk of such court, an affidavit, setting forth the nature and amount of the indebtedness, after allowing all just credits and set-offs, and any one or more of the causes mentioned in the preceding section, and also stating the place of residence of the defendants, if known, and if not known. that upon diligent inquiry the affiant has not been able to ascertain the same. Creditor to make affidavit.

§ 3. It shall be sufficient, in all cases of attachment, to designate defendants by their reputed names, by surnames, and joint defendants by their separate or partnership names, or by such names, styles or titles as they are usually known; and heirs, executors and administrators of deceased defendants shall be subject to the provisions of this act, in all cases in which it may be applicable to them. Names of defendants.

§ 4. Before granting an attachment, as aforesaid, the clerk shall take bond and sufficient security, payable to the defendant against whom the writ is to be issued, in double the sum sworn to be due, conditioned for satisfying all costs which may be awarded to such defendant, or to any others interested in said proceedings, and all damages and costs which shall be recovered against the plaintiff, for wrongfully suing out such attachment—which bond, with affidavit of the party complaining, or his agent or attorney, shall be filed in the office of the clerk granting the attachment. Every attachment issued without a bond and affidavit taken, is hereby declared illegal and void, and shall be dismissed. Bond and security.

§ 5. The condition of the bond required in the preceding section shall be substantially in the following form: Condition of bond.

The condition of this obligation is such, that whereas the above bounden hath, on the day of the date hereof, prayed an attachment out of the court of said county, at the suit of, against the estate of the above named, for the sum of, and the same being about to be sued out of said court, returnable on the ... day of next, to the term of the court then to be holden: Now, if the said shall prosecute his suit with effect, or in case of failure therein shall well and truly pay and satisfy the said all such costs in said suit, and such damages as shall be awarded against the said, his heirs, executors or administrators, in any suit or suits which may hereafter be brought, for wrongfully suing out the said attachment, then the above obligation to be void: otherwise to remain in full force and effect.

Writ of attachment.

§ 6. The writ of attachment required in the preceding section shall be directed to the sheriff, or in case he is interested, or otherwise disqualified or prevented from acting, to the coroner of the county in which the suit is commenced, and shall be substantially in the following form :

The People of the State of Illinois, to the Sheriff of County—GREETING :

Whereas, A B (or agent or attorney of A B, as the case may be,) hath complained that C D is justly indebted to the said A B to the amount of, and that (here state the cause set out in the affidavit), and the said having given bond and security, according to law: We therefore command you that you attach so much of the estate, real or personal, of the said C D, to be found in your county, as shall be of value sufficient to satisfy the said debt and costs, according to the complaint, and such estate so attached in your hands to secure, or so to provide, that the same may be liable to further proceedings thereupon, according to law; and that you summon C D to appear and answer the complaint of the said A B, at a court to be holden at, in the county of, upon the . . . day of next; and that you also summon, and such other persons as you shall be required by the said A B, as garnishee, to be and appear at the said court on the said . . . day of next, then and there to answer to what may be objected against them. When and where you shall make known to the said court how you have executed this writ, and have you then and there this writ.

Witness:, clerk of the said court, this . . . day of, in the year of our Lord, etc.

Which attachment shall be signed by the clerk, and the seal of the court affixed thereto.

Joint debtors.

§ 7. In all cases where two or more persons are jointly indebted, either as partners or otherwise, and an affidavit shall be filed as provided in the first section of this act, so as to bring one or more of such joint debtors within its provisions, and amenable to the process of attachment, then the writ of attachment shall issue against the property and effects of such as are so brought within the provisions of this act; and the officer shall be also directed in said writ to summon all joint debtors named in the affidavit filed in the case, whether the attachment is against them or not, to answer to the said action, as in other cases of joint defendants.

Execution of writ.

§ 8. Such officer shall without delay execute such writ of attachment upon the lands, tenements, goods, chattels, rights, credits, moneys and effects of the debtor, or upon any lands or tenements in and to which such debtor has or may claim any equitable interest or title, of sufficient value to satisfy the claim sworn to, with costs of suit as commanded in such writ.

Certificate of levy.

§ 9. When a writ of attachment is levied upon any real estate, in any case, it shall be the duty of the officer making the levy to file a certificate of such fact with the recorder of the county where such land is situated; and from and after the filing of the same, such levy shall take effect, as to creditors and *bona fide* purchasers, without notice, and not before.

Service upon defendant.

§ 10. The officer shall also serve said writ upon the defendant therein, if he can be found, by reading the same to him or delivering a copy thereof. The return to such writ

shall state the particular manner in which the same was served.

§ 11. If the defendant, or any person for him, shall be in the act of removing any personal property, the officer may pursue and take the same in any county in this state, and return the same to the county from which such attachment issued. Removal of property.

§ 12. If it shall appear, by the affidavit, that a debtor is actually absconding, or concealed, or stands in defiance of an officer duly authorized to arrest him on civil process, as aforesaid, or has departed this state with the intention of having his effects and personal estate removed out of the state, or intends to depart with such intention, it shall be lawful for the clerk to issue, and sheriff or other officer to serve, an attachment against such debtor, on a Sunday as on any other day. Absconding debtor.

§ 13. The creditor may, at the same time, or at any time before judgment, cause an attachment writ to be issued to any other county in the state where the debtor may have property liable to be attached, which shall be levied as other attachment writs: *Provided*, that if no property, rights or credits of the debtor are found in the county in which the suit is brought, and no defendant is served with summons or makes appearance, the creditor shall not be entitled to judgment. Writs to other counties.

§ 14. The officer serving the writ shall take and retain the custody and possession of the property attached, to answer and abide by the judgment of the court, unless the person in whose possession the same is found shall enter into bond and security to the officer, to be approved by him, in double the value of the property so attached, with condition that the said estate and property shall be forthcoming to answer the judgment of the court in said suit. The sheriff, or other officer, shall return such bond to the court in which the suit is brought, on the first day of the term to which such attachment is returnable. Bond and security for property.

§ 15. Any defendant in attachment, desiring the return of property attached, may, at any time except in term time, at his option, instead of or in substitution for the bond required in the preceding section, give like bond and security, in a sum sufficient to cover the debt and damages sworn to in behalf of the plaintiff, with all interest, damages and costs of suit, conditioned that the defendant will pay the plaintiff the amount of the judgment and costs which may be rendered against him in that suit, on a final trial, within ninety days after such judgment shall be rendered. In term time, a recognizance, in substance as aforesaid, may be taken in open court, and entered of record, in which case the court shall approve of the security and the recognizance made to the plaintiff, and upon a forfeiture of such recognizance judgment may be rendered and execution issued. Bond for debt. Recognizance.

as in other cases of recognizance. In either case, the attachment shall be dissolved, and the property taken restored, and all previous proceedings, either against the sheriff or against the garnishees, set aside, and the cause shall proceed as if the defendant had been seasonably served with a writ of summons.

Failure to return bond.

§ 16. If the sheriff shall fail to return a bond taken by virtue of the provisions of this act, or shall have neglected to take one when he ought to have done so, in any attachment issued under any provisions of this act, the plaintiff in the attachment may cause a rule to be entered at any time during the first ten days of the term to which the writ is returnable, requiring the said sheriff to return the said bond; in case no bond has been taken, to show cause why such bond was not taken. If the said sheriff shall not return the said bond within one day thereafter, or show legal and sufficient cause why the said bond had not been taken, judgment shall be entered up against him for the amount of the plaintiff's demand, with costs of suit; execution may thereupon issue for the same, whenever judgment shall have been entered against the defendant in the attachment.

Exceptions to bond.

§ 17. The plaintiff may, at the first term after the return of such bond, except to the sufficiency thereof, reasonable notice of such exception having been given to the sheriff or other officer who took the same, and if, upon hearing, the court shall adjudge such security insufficient, such sheriff shall be subject to the same judgment and recovery and have the same liberty of defense as if he had been made defendant in the attachment, unless good and sufficient security shall be given, within such time as may be directed by the court, and execution may issue thereupon as in other cases of judgment. And whenever the judgment of the plaintiff, or any part thereof, shall be paid or satisfied by any such sheriff, he shall have the same remedy against the defendant for the amount so paid by him as is now provided by law for bail against their principal, where a judgment is paid or satisfied by them.

Forfeited bond.

§ 18. If the plaintiff shall not except to the bond taken by the sheriff, as aforesaid, or the exceptions are not sustained, and such bond shall be forfeited, the plaintiff in the attachment may bring suit thereon in his own name, the same as if such bond had been assigned to him, and judgment shall be given for the plaintiff against the obligors in the bond for the value of the property, or if the property is greater than the amount due upon the execution, then for the amount due and costs of suit.

Attachments on live stock.

§ 19. When any sheriff or other officer shall serve an attachment on horses, cattle or live stock, and the same shall not be immediately replevied or restored to the debtor, such officer shall provide sufficient sustenance for the support of such live stock until the same shall be sold or discharged

from such attachment. He shall receive therefor a reasonable compensation, to be ascertained and determined by the court out of which the attachment issued, and charged in the fee bill of such officer, and shall be collectable as part of the costs.

§ 20. When any goods and chattels shall be levied on by virtue of any attachment, and the sheriff or other officer, in whose custody such goods and chattels are, shall be of opinion that the same are of a perishable nature and in danger of immediate waste or decay, such sheriff or other officer shall summon three respectable freeholders of his county, who shall examine the goods and chattels so levied on; and if the said freeholders shall, on oath or affirmation, certify that in their opinion they are of a perishable nature, and in danger of immediate waste and decay, then such goods and chattels shall be sold at public vendue, by the sheriff or other officer, he having first advertised such sale at the court house and two other public places in his county at least ten days before the sale: *Provided*, such property may be sold upon such notice, less than ten days, as the examiners shall certify will be for the best interest of the parties concerned. The money arising from such sale shall be liable to the judgment obtained upon such attachment, and deposited in the hands of the clerk of the court to which the process shall be returnable, there to abide the event of such suit.

Perishable
goods.

§ 21. When the sheriff or other officer is unable to find property of any defendant, sufficient to satisfy any attachment issued under the provisions of this act, he shall summon the persons mentioned in such writ as garnishees, and all other persons within his county whom the creditor shall designate as having any property, effects, choses in action or credits, in their possession or power, belonging to the defendant, or who are in anywise indebted to such defendant, the same as if their names had been inserted in such writ; the persons so summoned shall be considered as garnishees, and the sheriff shall state, in his return, the names of all persons so summoned, and the date of such service on each.

Garnishees.

§ 22. When it shall appear by the affidavit filed, or by the return of the officer, that a defendant in any attachment suit is not a resident of this state, or the defendant has departed from this state, or on due inquiry cannot be found, or is concealed within this state, so that process cannot be served upon him, it shall be the duty of the clerk of the court in which the suit is pending to give notice, by publication at least once in each week for three weeks successively, in some newspaper published in this state, most convenient to the place where the court is held, of such attachment, and at whose suit, against whose estate, for what sum, and before what court the same is pending; and that

Non-resident
defendants.

unless the defendant shall appear, give bail, and plead within the time limited for his appearance in such case, judgment will be entered, and the estate so attached will be sold. And such clerk shall, within ten days after the first publication of such notice, send a copy thereof by mail, addressed to such defendant, if the place of residence is stated in such affidavit; and the certificate of the clerk that he has sent such notice in pursuance of this section, shall be evidence of that fact.

Defendant not served.

§ 23. No default or proceeding shall be taken against any defendant not served with summons, unless he shall appear, until the expiration of ten days after the last publication as aforesaid.

Continuation of cause.

§ 24. If, for want of due publication or service, the cause shall be continued, the same proceedings shall be had at a subsequent term of the court, as might have been had at the term at which the writ is returnable.

Declaration.

§ 25. The declaration shall be filed on the return of the attachment, or at the term of the court when the same is made returnable. If the declaration is not so filed the defendant may, in the discretion of the court, have the suit dismissed.

Practice.

§ 26. The practice and pleadings in attachment suits, except as otherwise provided in this act, shall conform, as near as may be, to the practice and pleadings in other suits at law.

Pleadings.

§ 27. The defendant may plead, traversing the facts stated in the affidavit upon which the attachment issued, which plea shall be verified by affidavit; and if, upon the trial thereon, the issue shall be found for the plaintiff, the defendant may plead or demur to the action as in other cases, but if found for the defendant, the attachment shall be quashed, and the costs of the attachment shall be adjudged against the plaintiff, but the suit shall proceed to final judgment as though commenced by summons.

Insufficiency of affidavit.

§ 28. No writ of attachment shall be quashed, nor the property taken thereon restored, nor any garnishee discharged, nor any bond by him given canceled, nor any rule entered against the sheriff discharged, on account of any insufficiency of the original affidavit, writ of attachment or attachment bond, if the plaintiff, or some credible person for him, shall cause a legal and sufficient affidavit or attachment bond to be filed, or the writ to be amended, in such time and manner as the court shall direct; and in that event the cause shall proceed as if such proceedings had originally been sufficient.

Jury.

§ 29. In all cases of attachment, any person, other than the defendant, claiming the property attached, may interplead, verifying his plea by affidavit, without giving bail, but the property attached shall not thereby be replevied; and the court shall immediately (unless good cause be shown

by either party for a continuance) direct a jury to be impaneled to inquire into the right of property; in all cases where the jury find for a claimant, such claimant shall be entitled to his costs; and where the jury find for the plaintiff in the attachment, such plaintiff shall recover his costs against such claimant. If such claimant is a non-resident of the state he shall file security for costs as in case of non-resident plaintiff.

§ 30. Any defendant against whom an attachment may be sued out under this act, may avail himself in his defense of any set-off properly pleadable by the laws of this state. Set-off.

§ 31. The plaintiff in any action of debt, covenant or trespass, or on the case, upon promises, having commenced an action by summons or capias, may, at any time pending such suit, and before judgment therein, on filing in the office of the clerk where such action is pending a sufficient bond and affidavit showing his right to an attachment under the first section of this act, sue out an attachment against the lands, goods, chattels, rights, moneys, credits and effects of the defendant, which attachment shall be entitled in the suit pending, and be in aid thereof; and such proceedings shall be thereupon had as are required or permitted in original attachments, as near as may be: *Provided*, this section shall not apply to actions of trespass, or cases in which the defendant has been arrested and has given special bail. *And, provided, further*, that in all actions of trespass, and trespass on the case, before a writ of attachment shall be issued, the plaintiff, his agent or attorney shall apply to a judge of a court of record or master in chancery of the county in which the suit is pending, and be examined, under oath, by such judge or master concerning the cause of action; and thereupon such judge or master shall indorse upon the affidavit the amount of damages for which the writ shall issue, and no greater amount shall be claimed. Plaintiff may attach.

§ 32. In all cases when a *scire facias* shall be sued out of any court of this state, to make any person party to any judgment that has been or hereafter may be rendered therein, writs of attachment may be issued in aid thereof, against one or all of the persons named in such *scire facias*, to any county of this state, upon the terms provided in this act; and the parties in such writs of attachment may be brought in by notice, as in other cases of attachment, when personal service cannot be had. *Scire facias.*

§ 33. Upon the return of attachments issued in aid of actions pending, unless it shall appear that the defendant or defendants have been served with process in the original cause, notice of the pendency of the suit, and of the issue and levy of the attachment, shall be given as is required in cases of original attachment; and such notification shall be sufficient to entitle the plaintiff to judgment, and the right Notice of suit.

to proceed thereon against the property and estate attached, and against garnishees, in the same manner and with like effects as if the suit had been commenced by attachment.

Defendant served with writ.

§ 34. When the defendant has been served with the writ, or appears to the action, the judgment shall have the same force and effect as in suits commenced by summons; and execution may issue thereon not only against the property attached, but the other property of the defendant

Judgment by default.

§ 35. When the defendant shall be notified as aforesaid, but not served with process, and shall not appear and answer the action, judgment by default may be entered, which may be proceeded upon to final judgment as in other cases of default, but in no case shall judgment be rendered against the defendant for a greater sum than appears, by the affidavit of the plaintiff, to have been due at the time of obtaining the attachment, with interest, damages and costs; and such judgment shall bind, and a special execution shall issue against the property, credits and effects attached, and no execution shall issue against any other property of the defendant; nor shall such judgment be any evidence of debt against the defendant in any subsequent suit.

Execution.

§ 36. The property attached may be levied upon by execution issued in the attachment suit, whether in the hands of the officer or secured by bond as provided in this act, and shall be sold as other property levied upon by execution.

Judgments to share *pro rata*.

§ 37. All judgments in attachments against the same defendant, returnable at the same term, and all judgments in suits by summons, *capias* or attachment against such defendant, recovered at that term or at the term when the judgment in the first attachment upon which judgment shall be recovered is rendered, shall share *pro rata*, according to the amount of the several judgments, in the proceeds of the property attached, either in the hands of a garnishee or otherwise: *Provided*, when the property is attached while the defendant is removing the same or after the same has been removed from the county, and the same is overtaken and returned, or while the same is secreted by the defendant, or put out of his hands, for the purpose of defrauding his creditors, the court may allow the creditor or creditors through whose diligence the same shall have been secured a priority over other attachments or judgment creditors.

Statement of judgments.

§ 38. Upon issuing executions against any property attached, the proceeds of which shall be required to be divided, the clerk shall, at the same time, make out and deliver to the sheriff, or other officer to whom the execution is issued, a statement of all judgments, with the costs thereon, which shall be entitled to share in such proceeds, and when any judgment creditor shall have been allowed a priority over the other judgment creditors, the same shall be stated. Upon the receipt of such proceeds by the sheriff or other officer, he shall divide and pay over the same to

the several judgment creditors entitled to share in the same in the proportion they shall be entitled thereto.

§ 39. The court may, at any time before the proceeds of any attached property has been paid over to the judgment creditors, order the whole or any part thereof to be paid into court, and may make any and all such orders concerning the same as it shall deem just. Powers of the court.

§ 40. The plaintiff or defendant in any attachment, person interpleading, and the sheriff, or either of them, who may feel aggrieved by the judgment of the court, may prosecute writs of error, and take appeals as by law is provided in other cases. Writs of error.

§ 41. This act shall be construed in all courts in the most liberal manner for the detection of fraud.

§ 42. Chapter nine of the Revised Statutes of 1845, entitled "Attachments in circuit courts," (except so much thereof as pertains to proceedings against garnishees, not herein reenacted,) and also the several acts amendatory of said chapter, approved respectively February 17, 1851, and February 22, 1861, February 13, 1865, and March 31, 1869, and all acts and parts of acts inconsistent or in conflict with this act, are hereby repealed. This section shall not be construed to affect any suits pending or rights existing under said acts at the time this act shall take effect. Acts repealed.

APPROVED December 23, 1871.

AN ACT in regard to attachments before justices of the peace.

In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That writs of attachment may be granted against the personal estate, goods, chattels, money, choses in action, credits and effects of the debtor, by justices of the peace, in all civil actions cognizable before them, where the demand does not exceed the jurisdiction of justices of the peace, for the same causes as attachments may be issued out of courts of record, and upon filing with the justice a sufficient affidavit and bond to the defendant with sufficient security, to be approved by the justice, in a penalty at least double the amount of the plaintiff's claim, conditioned substantially as hereinafter provided. When attachments may be granted.

§ 2. Affidavits for attachment before justices of the peace may be substantially in the following form: Affidavits.

STATE OF ILLINOIS, }
... County. } ss.

A B, being duly sworn, says: That (here state if affiant is agent or attorney of the creditor, and if the suit is by firm, the names of the partners,) has a just demand against (name of debtor), on account of (here make short statement of

the nature of the demand), and the affiant believes (the name of creditor) is entitled to recover of said (name of debtor), after allowing all just credits and set-offs, dollars and cents, which is now due, and that he has good reason to believe and does believe that (name of debtor) (here state some one or more of the causes which authorize an attachment,) the said (name of debtor) (here state the residence of the debtor if known, or if not, that the affiant has made diligent inquiry and cannot ascertain his place of residence.)

Condition of bond. § 3. The condition of the bond shall be substantially as follows:

The condition of the above obligation is such that, whereas the above bounden hath, on the day of the date hereof, prayed an attachment at the suit of against the personal estate of the above named for the sum of, and the same being about to be sued out, returnable on the day of, before (said justice.) Now, if the said shall prosecute his suit with effect, or in case of failure therein, shall well and truly pay and satisfy the said, all such costs in such suit, and such damages as the said may sustain, by reason of wrongfully suing out the said attachment, then the above obligation to be void, else to remain in full force and virtue.

Witness our hands and seals, this day of, 18..

[SEAL.]

Writ of attachment.

§ 4. The writ of attachment shall be substantially in the following form:

STATE OF ILLINOIS, }
..... County. } ss.

The People of the State of Illinois, to any Constable of said County—GREETING:

Whereas, A B, (or agent or attorney of A B, as the case may be,) hath complained that E F is justly indebted to the said A B in the amount of dollars; and that the said E F (here state the cause as in the affidavit), and the said A B, having given bond and security according to law: We, therefore, command you that you attach so much of the personal estate of the said E F to be found in your county as shall be of value sufficient to satisfy the said debt and costs; and such personal estate so attached, in your hands to secure, or so to provide that the same may be liable to further proceedings thereon, according to law, before the undersigned justice of the peace. And that you summon the said E F to appear before me, at my office, on the day of next, and that you also summon, as garnishees, all persons who the plaintiff or his agent shall direct, to appear before me at the same time and place, then and there to answer what may be objected against him or them, when and where you shall make known how you have executed this writ; and have you then and there this writ.

Given under my hand and seal, this day of ... , 18..

© D, Justice of the Peace.

[SEAL.]

Return of writ.

§ 5. The writ of attachment shall be made returnable not less than five nor more than thirty days from the date thereof.

Constable to execute.

§ 6. The constable to whom any attachment may be delivered shall, without delay, execute the same, by levying on the personal estate, goods, chattels, moneys, choses in action, credits and effects of the defendant, of value sufficient to satisfy the debt or damages claimed to be due, and all costs attending the collection of the same; he shall also read the same to the defendant, if he can be found in the county, and also to such persons as the plaintiff or his agent shall direct to be summoned as garnishees, and make return thereof, stating how he has executed the same.

§ 7. If the defendant, or any other person for him, shall be in the act of removing such personal property, the officer may pursue and take the same, in any county in this state, and convey the same to the county from which such attachment issued. Removal of property.

§ 8. Upon the return of any attachment issued by a justice of the peace, if it shall appear that the defendant has been personally served with the same, or if such defendant shall appear without such service, the justice shall proceed to hear and determine the cause, as in cases of proceeding by summons. Cause to be heard.

§ 9. But if it does not appear that the defendant has been served, and no appearance be entered by the defendant, the justice shall continue the case not less than fifteen days, and shall immediately prepare a notice to be posted up at three public places in the neighborhood of the justice, directed to the defendant, and stating the fact that an attachment had been issued, and at whose instance, the amount claimed to be due, and the time and place of trial; and also stating, that unless the said defendant shall appear at the time and place fixed for trial, judgment will be entered by default, and the property attached ordered to be sold to satisfy the same; which notice shall be delivered to the constable, who shall post three copies of the same at three public places in the neighborhood of the justice, at least ten days before the day set for trial; and if the place of residence of the defendant is stated in the affidavit for the attachment, shall, at the same time, mail one copy of the notice addressed to such defendant, at such place of residence; and on or before that day he shall return the notice delivered to him by the justice, with an indorsement thereon, stating the time when and the place where he posted and mailed copies as herein required. Continuation.

§ 10. If notice shall not be given according to law, or for any other good cause, the justice may continue the case from time to time till proper notice shall have been given or the case is ready for trial. Notice.

§ 11. When notice shall be given of any proceeding by attachment, as required by the ninth section of this act, the justice shall, on the day set for trial of the cause, proceed to hear and determine the same, as though process had been personally served upon the defendant, and if judgment be given against the defendant, shall order a sale of the property attached, or so much thereof as will satisfy the judgment and all costs of suit. When notice has been given.

§ 12. When an attachment shall be returned served upon any person as garnishee, the justice shall make an entry upon the record of his proceeding in the cause, stating the name of each person summoned, and continue the case as to such garnishee, and shall proceed with the cause Garnishee.

as against the defendant in the attachment as though the attachment had been levied on personal property.

Summons to
garnishee.

§ 13. When judgment is entered by a justice of the peace against a defendant in attachment, and any person has been summoned as garnishee in the case, it shall be the duty of the justice to issue a summons against the person so summoned, requiring him to appear before the justice at a time and place to be fixed in the summons, not less than five nor more than fifteen days from the date hereof, then and there to answer upon oath what amount he is indebted to the defendant in the attachment, or what property, choses in action, or effects belonging to the defendant, or in which he has any interest, or he had in his possession or power, at the time of serving the attachment.

Garnishee.

§ 14. The further proceedings against garnishees shall be had in pursuance to the act on garnishments.

Provisions to
apply.

§ 15. The provisions of law governing attachments in courts of record, shall apply to attachments before justices of the peace, so far as the same are applicable and not inconsistent with the provisions which are especially applicable to the latter: *Provided*, this section shall not be construed to require of either party to file written pleadings in any attachment before a justice of the peace.

Exceptions to
bond.

§ 16. Exceptions to the bond taken by the constable shall be taken at or before the first hearing of the case after the same shall have been returned to the justice, but the hearing of such exceptions may be adjourned for the purpose of giving notice to the constable, or for other good cause.

Appeals.

§ 17. Appeals may be taken in cases of attachment before justices of the peace, in the same manner as in cases by summons before justices of the peace.

Acts repealed.

§ 18. Chapter eight of the Revised Statutes of 1845, entitled "Attachments before Justices," and all acts and parts of acts inconsistent herewith, are hereby repealed: *Provided*, this section shall not affect any suit pending or right existing at the time this act shall take effect.

APPROVED February 9, 1872.

ATTORNEYS.

AN ACT in regard to attorneys-general and state's attorneys.

In force July 1st
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That before entering upon the respective duties of their offices, the attorney-general and state's attorneys shall each be commissioned by the governor, and shall take the following oath or affirmation :*

To be commissioned.

I do solemnly swear (or affirm, as the case may be,) that I will support the Oath. constitution of the United States and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of attorney-general, (or state's attorney, as the case may be), according to the best of my ability.

And shall also execute a bond, to the People of the State of Illinois, with good and sufficient securities, to be approved by the governor, the attorney-general's bond to be in the sum of tenthousand dollars and each state's attorney's bond to be in the sum of five thousand dollars, each conditioned upon the faithful discharge of his duties and the paying over all moneys, as provided by law—which bonds shall be filed in the office of the secretary of state, and shall inure to and be for the benefit of the state, county, corporation or person injured by a breach of any of the conditions thereof, and the governor may, at any time when he deems it necessary, require a new bond or new or additional security to be given. If any attorney-general or state's attorney neglects, or refuses to give and file any such bond, or to take the oath or affirmation herein required, within sixty days after his election, his office shall be deemed vacant.

Bond.

§ 2. The duties of the attorney-general shall be :

First—To appear for and represent the people of the state before the supreme court, in each of the grand divisions, in all cases in which the state or the people of the state are interested.

Duties of the attorney general.

Second—To institute and prosecute all actions and proceedings in favor of or for the use of the state, which may be necessary in the execution of the duties of any state officer.

Third—To defend all actions and proceedings against any state officer, in his official capacity, in any of the courts of this state or the United States.

Fourth—To consult with and advise the several state's attorneys in matters relating to the duties of their office ; and when, in his judgment, the interest of the people of the state requires it, he shall attend the trial of any party accused of crime, and assist in the prosecution.

Fifth—To consult with and advise the governor and other state officers, and give, when requested, written opinions upon all legal or constitutional questions relating to the duties of such officers, respectively.

Sixth—To prepare, when necessary, proper drafts for contracts and other writings, relating to subjects in which the state is interested.

Seventh—To give written opinions, when requested by either branch of the general assembly, or any committee thereof, upon constitutional or legal questions.

Eighth—To enforce the proper application of funds appropriated to the public institutions of the state, prosecute breaches of trust in the administration of such funds, and, when necessary, prosecute corporations for failure or refusal to make the reports required by law.

Ninth—To keep, in proper books, a register of all cases prosecuted or defended by him, in behalf of the state or its officers, and of all proceedings had in relation thereto, and to deliver the same to his successor in office.

Tenth—To keep in his office a book, in which he shall record all the official opinions given by him during his term of office, which book shall be by him delivered to his successor in office.

Eleventh—To pay into the state treasury all moneys received by him for the use of the state.

Twelfth—To attend to and perform any other duty which may, from time to time, be required of him by law.

§ 3. The duties of each state's attorney shall be :

First—To commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in his county, in which the people of the state or the county may be concerned.

Second—To prosecute all forfeited bonds and recognizances, and all actions and proceedings for the recovery of debts, revenues, moneys, fines, penalties and forfeitures accruing to the state or his county, or to any school district or road district in his county.

Third—To commence and prosecute all actions and proceedings brought by any county officer, in his official capacity.

Fourth—To defend all actions and proceedings brought against his county, or against any county or state officer, in his official capacity, within his county.

Fifth—To attend the examination of all persons brought before any judge on *habeas corpus*, when the prosecution is in his county.

Sixth—To attend before justices of the peace, and prosecute charges of felony or high misdemeanor, when in his power so to do.

Seventh—To give his opinion, without fee or reward, to any county officer, and to justices of the peace, in his

county, upon any question of law relating to any criminal or other matter, in which the people or the county may be concerned.

Eighth—To assist the attorney-general whenever it may be necessary; and in cases of appeal or writ of error from his county to the supreme court, to which it is the duty of the attorney-general to attend, he shall, a reasonable time before the trial of such appeal or writ of error, furnish the attorney-general with a brief, showing the nature of the case and the questions involved.

Ninth—To pay all moneys received by him in trust, without delay, to the officer who by law is entitled to the custody thereof.

Tenth—To perform such other and further duties as may, from time to time, be enjoined on him by law.

§ 4. Whenever the attorney-general or any state's attorney is sick, or absent, or unable to attend, or is interested in any cause or proceeding, civil or criminal, which it is or may be his duty to prosecute or defend, the court in which such cause or proceeding is pending, may appoint some competent attorney to prosecute or defend such cause or proceeding; and the attorney so appointed shall have the same power and authority, in relation to such cause or proceeding, as the attorney-general or state's attorney would have had if present and attending to the same; and the court may make an order allowing the attorney so appointed reasonable compensation for his services, a copy of which order shall be certified by the clerk of such court to the auditor of public accounts, who shall issue a warrant for the payment thereof to the attorney so appointed, and the amount of such warrant shall be deducted from the salary of the attorney-general or state's attorney whose duties have been performed as aforesaid.

In cases of sickness or absence.

§ 5. The following acts and parts of acts are hereby repealed: Chapter twelve, of the Revised Statutes of 1845, entitled "Attorneys-general and circuit attorneys;" an act entitled "An act to create the office of attorney-general, and prescribing his duties," approved February 27, 1867; and all other acts inconsistent with the provisions of this act; but the repeal of said acts shall not affect any of the attorneys now in office, or any rights or liabilities that have accrued when this act shall take effect.

Acts repealed.

APPROVED March 22, 1872.

AUDITOR OF PUBLIC ACCOUNTS.

In force July 1, 1871. AN ACT defining the duties of the auditor of public accounts, under section one of "An act to fund and provide for paying railroad debts of counties, townships, cities and towns," in force April 16, 1869.

Preamble.

WHEREAS the auditor of public accounts presents a practical difficulty in administering section one of "An act to fund and provide for paying railroad debts of counties, townships, cities and towns," in force April sixteenth, one thousand eight hundred and sixty-nine, in making a lawful and equitable distribution of the funds created under said act, between townships, cities or towns and counties, where such townships and cities or towns are located in the same county, and each of such corporations, including the county, are entitled to the benefits arising under said act; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever the valuations of property, as shown by the assessment returns of two or more corporations, embrace the same surplus valuation, the auditor of public accounts, in determining the amount due by virtue of said act of April sixteenth, one thousand eight hundred and sixty-nine, to the county, the township, the city or town, shall distribute the tax on such surplus valuation in equal proportions between such corporations, that is to say: should the valuation of the county show a surplus of three thousand dollars, the township a surplus of three thousand dollars, the town or city a surplus of three thousand dollars, each shall be entitled to the proportion of one thousand dollars. Any excess of such surplus valuation in either of said corporations, and not embraced in the surplus valuation of either of the others, shall be apportioned to such corporation; or, if in either two of such corporations, and none in the third, such amount shall be equally divided between such two corporations.

§ 2. The tax on the property of railroads aided, appropriated in section one of said act of April sixteenth, one thousand eight hundred and sixty-nine, shall be apportioned by the auditor between counties, townships, cities and towns in similar cases, in the same manner as the surplus tax is required to be apportioned by section one of this act: *Provided*, that the amount of surplus tax shall be deducted from the amount of state tax on the railroads aided, in each corporation, so that no county, township, city or town, shall receive both the surplus and railroad tax, or when the amount of surplus tax exceeds the amount of state tax on railroads aided, in any corporation, then, in such case, no

Auditor to distribute the tax in equal proportions.

Tax on railroad property to be apportioned by auditor.

state tax on railroads aided, shall be placed to the credit of such county, township, city or town.

IN FORCE July 1, 1871.

I, EDWARD RUMMEL, secretary of state, do hereby certify that the foregoing act of the twenty-seventh general assembly, of the state of Illinois, was filed in the office of the secretary of state, April twenty-seventh, one thousand eight hundred and seventy-one, by the governor, without his approval, and that said bill has become a law by virtue of section sixteen, of article five, of the constitution.

EDWARD RUMMEL,
Secretary of State.

BAIL IN CIVIL CASES.

AN ACT concerning bail in civil cases.

In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when Actions for debt any person shall be about to commence a suit in any court of record in this state, founded upon any specialty, bill or note, in writing, or on the judgment of any court, and in all actions of covenant and account, and actions on verbal contracts or assumpsits at law, if the plaintiff, or his agent or attorney, shall make an affidavit setting forth the cause of action, and the amount due the plaintiff, and facts showing that the defendant fraudulently contracted the debt, or incurred the obligation, respecting which the suit is about to be brought, or that he has concealed, assigned, removed, or disposed of his property with intent to defraud such plaintiff; and shall present such affidavit to a judge of a court of record, or if there be no such judge in the county at the time, then to a master in chancery; and if such judge or master shall be satisfied that sufficient cause is shown to require bail, he shall indorse an order under his hand, on said affidavit, directing the clerk of the court in which suit is about to be brought, to issue a *capias ad respondendum*, directed to the proper officer to execute, for the arrest of the defendant or defendants in such proposed action; and the judge or master shall, in such order, fix the amount of the bail, and upon the filing of such affidavit and order, it shall be the duty of the clerk to issue a *capias* and indorse thereon an order directing the sheriff or officer to whom such process is directed, to hold the defendant to bail in the sum specified in such order, and the sheriff or officer serving such process shall take bail accordingly. Judge to fix bail.

Actions for
damages.

§ 2. In actions sounding merely in damages, where the same cannot be ascertained as aforesaid, the affidavit shall also set forth the nature and cause of the action, with the substantial or chief facts in relation thereto, and that the affiant verily believes that the benefit of whatever judgment may be obtained, will be in danger of being lost unless the defendant is held to bail, and if, upon examination thereof, the judge or master shall be satisfied that sufficient cause is shown to require bail, he shall make an order thereon, specifying in what amount the defendant shall be required to give bail, and like proceedings shall be had thereon as is provided in the foregoing section. The officer serving the process shall, in like manner, take bail.

Plaintiff to give
bond.

§ 3. The judge or officer ordering the issuing of such *capias*, shall require bond of the plaintiff in a penal sum of double the amount sued for, with security to be approved by the clerk issuing the writ, conditioned that the plaintiff shall prosecute the *capias* with effect and without delay, and pay the defendant all costs and damages that may be sustained by the wrongful suing out such *capias*. And no *capias* shall issue until such bond is approved and filed by such clerk.

Writs issued
from courts of
record.

§ 4. Where any writ shall have been issued from any court of record in this state whereon bail is required, the sheriff or other officer to whom the same may be directed shall take a bail bond to himself, with sufficient security, in a penalty of double the sum for which bail is required. And for the purpose of avoiding errors in the taking thereof, the condition shall be substantially in the following form:

Bail bond.

The condition of this obligation is such, that whereas, A B has lately sued out of the court of the county of, a certain writ of *capias ad respondendum*, in a certain plea of, against C D, returnable to the next term of the said court, to be holden at, on the day of next. Now, if the said C D shall be and appear at the said court, to be holden at, on the day of next, and in case the said E F shall not be received as bail in the said action, shall put in good and sufficient bail, which shall be received by the plaintiff, or shall be adjudged sufficient by the court, or the said E F, being accepted as bail, shall pay and satisfy the costs and condemnation money which may be rendered against the said C D in the plea aforesaid, or surrender the body of the said C D in execution in case the said C D shall not pay and satisfy the said costs and condemnation money, or surrender himself in execution, when by law such surrender is required, then this obligation to be void: otherwise to remain in full force and effect.

Which bond, so taken, shall be returned with the writ, on or before the first day of the term of the court to which the writ is returnable. The officer making an arrest under the provisions of this chapter, shall give to the person arrested reasonable time and opportunity to procure bail, before committing such person to the jail.

Who may be
bail.

§ 5. No person shall be permitted to be special bail in any action, unless he be a householder and resident within

this state, and of sufficient property ; and no counselor or attorney at law, sheriff, under sheriff, bailiff, constable, or other person concerned in the execution of process, shall be permitted to be special bail in any action.

§ 6. In any and all cases where the sheriff shall be by law required to take bail upon any writ or process, such sheriff shall have the power to administer oaths, and to examine the person offered as bail, touching his sufficiency, and shall require such examination to be reduced to writing, and signed by the person offered as bail.

Sheriff may administer oaths.

§ 7. In case the sheriff or other officer executing such process, and to whom it shall be directed, shall neglect to take such bond, or the bail be held insufficient, on exception taken and entered of record during the term to which such writ shall be made returnable, the sheriff or other officer having reasonable notice of taking such exception shall, in either case, be deemed and stand as special bail in the action ; and the plaintiff may proceed to judgment against such sheriff or other officer, as in other cases against special bail.

Failure to take bond.

§ 8. Where the bail shall be adjudged insufficient by the court, the bond shall in that case stand as a security to the sheriff, or other officer issuing such process, who may, upon a forfeiture of the condition to appear and perfect bail, proceed thereon, in an action of debt or covenant, to recover the amount of whatever damages he may have sustained by reason of the non-performance of such condition ; and shall also have the same right to arrest and detain the principal in custody, in case the bail shall be adjudged insufficient by the court, and the principal shall not perfect bail within the time required by law, as the bail might have had. If he shall elect to arrest and commit the principal to prison, then his remedy on the bond shall cease and the bond be void. The sufficiency of the bail shall be excepted to, during the term to which the writ is returnable : otherwise the same shall be considered as accepted by the plaintiff. Objections to the sufficiency of bail shall be decided by the court in which the exception is taken, without delay, on such evidence as may be produced, and as it may deem satisfactory. The burthen of proof shall lie on the party affirming the sufficiency, allowing the bail to be examined on oath or affirmation, touching his sufficiency.

Where bail is insufficient.

§ 9. The court in term time, or the judge in vacation, may, on application, discharge the defendant from arrest for insufficiency of the affidavit, or because the facts stated therein are not true, or other good cause which would entitle him to be discharged upon *habeas corpus*, or in case he has given bail may discharge the same, or reduce the amount thereof, upon good cause shown.

Discharge from arrest.

§ 10. In case of a discharge of the defendant, or his bail, the *capias* shall stand as a summons.

Surrender of defendant. § 11. It shall be lawful for the defendant in any action, in any court of record, when bail shall have been given as aforesaid, to surrender himself, or for his bail to surrender him, at any time before the return day of the process which may have been sued out against the bail, to the court in which the suit may be pending, during the sitting thereof, or in vacation, to the sheriff or other officer who executed the *capias*.

Entry on records § 12. In case the surrender shall be made during the sitting of the court, an entry shall be made on the records of the court, stating the surrender and commitment of the defendant to the custody of the sheriff.

Certified copy of bail bond. § 13. If the surrender be made in vacation, the bail or principal shall obtain a certified copy of the bail bond from the sheriff or clerk of the court, in whosoever possession the same may be, and shall deliver himself, or be delivered by his bail to such sheriff, who shall thereupon indorse on such copy of the bail bond an acknowledgment of the surrender of the body of the defendant to his custody, and the defendant shall be committed to the jail of the county, there to remain until discharged by due course of law.

Copy to be filed. § 14. If the surrender is made pending a suit against the bail, the said copy of the bond with such acknowledgment shall be filed in the office of the clerk of the court in which the action is pending. If before such suit, the same shall be filed with the clerk of the court in which the original action was brought.

Discharge of bail. § 15. Upon giving notice of the surrender, whether made in term time or vacation, to the plaintiff or his attorney, and paying the costs of the action against the bail if any have accrued, the bail shall be discharged from all liability.

Discharge of defendant. § 16. If the surrender be after judgment, and the plaintiff shall not cause the defendant to be held on execution within five days after notice thereof, he shall be discharged out of custody; the plaintiff may, notwithstanding such discharge, have execution against the real and personal estate of the defendant.

When defendant is surrendered. § 17. Any defendant surrendered into custody or committed by his bail, in manner aforesaid, may, at any time before final judgment shall have been rendered in the action, discharge himself from custody by giving other good and sufficient special bail; the sheriff or other officer authorized to take bail, shall take new bail to the same effect as hereinbefore provided.

Bail may arrest principal. § 18. In all cases of bail, under this act, it shall and may be lawful for the bail to arrest and secure the body of the principal, until a surrender can be made to the sheriff of the county where the suit may be pending, or to the

court to which the process was returnable, and may, by indorsement upon the back of a duly certified copy of the bail bond, authorize any other person to arrest, secure and surrender the body of the principal.

§ 19. All bail taken according to the directions of this act, shall be deemed and taken as special bail, and may be proceeded against by proper action, in the name of the obligee for the use of the party injured. Special bail.

§ 20. Hereafter, no suit shall be commenced upon any bail bond, in any civil action, until a writ of *capias ad satisfaciendum* shall have issued against the defendant in the original action, directed to the sheriff of the county in which such defendant was arrested, and such sheriff shall have returned that the said defendant was not found in his county; if any action shall hereafter be commenced upon such bond, and it shall not appear upon the trial thereof that a writ of *capias ad satisfaciendum* was issued and returned in the manner herein[before] mentioned, a verdict shall be found for the defendant. It shall be also necessary to charge the bail that such writ of *capias ad satisfaciendum* should be issued and delivered, at least ten days before the return day thereof, to the sheriff of the county, or officer to whom it may be directed; such sheriff or other officer shall endeavor to serve such writ upon the defendant, any directions which he may receive from the plaintiff or his attorney to the contrary notwithstanding. Suits on bail bond.

§ 21. In all cases where judgment shall hereafter be entered up in any court of record in this state, against any person as bail for another, and the amount of such judgment or any part thereof has been paid, or discharged by such bail, his executor, administrator or heirs, it shall and may be lawful for such bail, his heirs, executor or administrator, to obtain judgment by motion against the person for whom he was bound, for the full amount of what shall have been paid by the said bail, his heirs, executor or administrator, in such court where judgment shall have been entered up against such bail. Before judgment shall be entered up against the principal, ten days previous notice of such motion shall be given to him, if a resident of this state; and if a non-resident, then notice of such motion shall be published, for four weeks successively, in some newspaper printed in the county in which said proceeding shall be had, and in case no newspaper shall be published in said county, then in the nearest county in which a newspaper shall be published. Judgment against bail.

§ 22. In all actions against bail, it shall be lawful for the bail to plead, in bar of such actions, the death of the principal before the return day of the process against the bail; if on the trial of any such issue, the death of the principal be found to have happened before such return day, judgment shall be given in favor of the defendant; he Death of principal.

When the defendant is carried out of the state.

shall, notwithstanding, be liable to judgment and execution for the costs of suit, unless such death shall be found to have taken place before the commencement of the action.

§ 23. If any defendant, having given special bail in any action, shall afterwards be arrested and delivered over to the executive authority of the United States, or of any state or territory thereof, upon a charge of having committed a crime out of the jurisdiction of this state, and shall be thereupon carried beyond the limits thereof, such bail shall be discharged from all liability incurred as bail, if the defendant has not returned to this state discharged from such arrest, before he shall be liable to be charged as bail for such defendant.

Discharge as insolvent debtor

§ 24. When any defendant in any civil action shall have been discharged as an insolvent debtor, agreeably to the laws of this state respecting insolvent debtors, or under any bankrupt law of the United States, and a certificate from the authority lawfully granting the same shall be produced to the court, the bail of such defendant shall, in all cases, be entitled to have an *exoneretur* entered upon the records of the court, which shall, thereupon, operate as a discharge from the bond in the same manner as if he had surrendered his principal in court, or to the sheriff, as hereinbefore directed: *Provided*, that judgment shall not have been recovered against him as the bail of such defendant.

Scire facias.

§ 25. Hereafter, proceedings by *sciri facias* against bail, in civil cases, shall not be allowed in any court of record in this state.

Acts repealed.

§ 26. That chapter fourteen of the Revised Statutes of eighteen hundred and forty-five, entitled "Bail," and sections one and five of an act entitled "An act to regulate practice in courts in certain cases," approved February eighteenth, eighteen hundred and fifty-seven, and all acts and parts of acts inconsistent herewith, are hereby repealed.

APPROVED January 22, 1872.

BASTARDY.

In force July 1,
1872.

AN ACT concerning bastardy.

Warrant for arrest.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That when an unmarried woman who shall be pregnant, or delivered of a child which by law would be deemed a bastard, shall make complaint to a justice of the peace of the county where

she may be so pregnant or delivered, or the person accused may be found, and shall accuse, under oath or affirmation, a person with being the father of such child, it shall be the duty of such justice to issue a warrant against the person so accused, and cause him to be brought forthwith before him, or in his absence any other justice of the peace in such county.

§ 2. The warrant shall be directed to all sheriffs, coroners and constables in the state of Illinois, and may be executed by any such officer in any county. To whom directed.

§ 3. Upon his appearance, it shall be the duty of said justice to examine the woman, upon oath or affirmation, in the presence of the man alleged to be the father of the child, touching the charge against him. The defendant shall have the right to controvert such charge, and evidence may be heard as in cases of trial before the county court. If the justice shall be of opinion that sufficient cause appears, it shall be his duty to bind the person so accused, in bond, with sufficient security, to appear at the next county court to be holden in such county, to answer to such charge; to which court said warrant and bond shall be returned. On neglect or refusal to give bond and security, the justice shall cause such person to be committed to the jail of the county, there to be held to answer the complaint. Examination on oath

§ 4. The county court of such county, at its next term, shall cause an issue to be made up, whether the person charged, as aforesaid, is the real father of the child or not, which issue shall be tried by a jury. When the person charged appears and denies the charge, he shall have a right to controvert, by all legal evidence, the truth of such charge. Issue to be tried

§ 5. If, at the time of such court, the woman be not delivered, or as unable to attend, the court shall order a recognizance to be taken of the person charged as aforesaid, in such an amount, and with such sureties as the court may deem just, for the appearance of such person at the next court, after the birth of her child; and should such mother not be able to attend at the next term after the birth of her child, the recognizance shall be continued until she is able. Recognizance.

§ 6. On the trial of every issue of bastardy, the mother and defendant shall be admitted as competent witnesses, and their credibility shall be left to the jury. Witnesses.

§ 7. If, upon the trial of the issue aforesaid, the jury shall find that the child is not the child of the defendant, or alleged father, then the judgment of the court shall be that he be discharged. The woman making the complaint shall pay the costs of the prosecution, and judgment shall be entered therefor, and execution may thereupon issue. Costs.

§ 8. In case the issue be found against the defendant, or reputed father, or whenever he shall, in open court, have Provision for support of child.

confessed the truth of the accusation against him, he shall be condemned by the order and judgment of the court, to pay a sum of money not exceeding one hundred dollars for the first year after the birth of such child, and a sum not exceeding fifty dollars yearly, for nine years succeeding said first year, for the support, maintenance and education of such child, and shall moreover, be adjudged to pay all the costs of the prosecution, for which costs execution shall

Bond to be
given.

issue as in other cases. And the said reputed father shall be required by said court to give bond with sufficient security, to be approved by the judge of said court, for the payment of such sum of money as shall be ordered by said court, as aforesaid; which said bond shall be made payable to the People of the State of Illinois, and conditioned for the due and faithful payment of said yearly sum, in equal quarterly installments, to the clerk of said court, which bond shall be filed and preserved by the clerk of said court.

Failure to give
security.

§ 9. In case the defendant or reputed father shall refuse or neglect to give such security as may be ordered by the court, he shall be committed to the jail of the county, there to remain until he shall comply with such order, or until otherwise discharged by due course of law.

Money, to
whom paid.

§ 10. The money, when received, shall be laid out and appropriated for the support of such child in such manner as shall be directed by the court; but when a guardian shall be appointed for such bastard, the money arising from such bond shall be paid over to such guardian.

Default in pay-
ment.

§ 11. Whenever default shall be made in the payment of a quarterly installment, or any part thereof, mentioned in the bond provided for in the foregoing section, the county judge of the county wherein such bond is filed shall, at the request of the mother, guardian, or any other person interested in the support of such child, issue a citation to the principal and sureties in said bond, requiring them to appear, on some day in said citation mentioned, during the next term of the county court of said county for probate business, and show cause, if any they have, why execution should not issue against them for the amount of the installment or installments due and unpaid on said bond, which said citation shall be served by any sheriff or constable of the county in which such principal or sureties reside or may be found, at least five days before the term day thereof. And if the amount due on such installment or installments shall not be paid at or before the time mentioned for showing cause as aforesaid, the said county judge shall render judgment in favor of the People of the State of Illinois, against the principal and sureties who have been served with said citation, for the amount unpaid on the installment or installments due on said bond, and the costs of said proceeding; and execution shall issue from said county court against the goods and chattels of the person or per-

sons against whom said judgment shall be rendered, for the amount of said judgment and costs, to the sheriff of any county in the state where the parties to said judgment, or either of them, reside, or have property subject to such execution.

§ 12. And said county judge shall also have power, in case of default in the payment, when due, of any installment or installments, or any part thereof, in the condition of said bond mentioned, to adjudge the reputed father of such child guilty of contempt of said court, by reason of the non-payment as aforesaid, and to order him to be committed to the county jail of said county, until the amount of said installment or installments, so due, shall be fully paid, together with all costs of said commitment, and in the obtaining and enforcing of said judgment and execution, as aforesaid. But the commitment of such reputed father shall not operate to stay or defeat the obtaining of judgment and the collection thereof by execution as aforesaid: *Provided*, that the rendition and collection of judgment, as aforesaid, shall not be construed to bar or hinder the taking of similar proceedings for the collection of subsequent quarterly installments on said bond, as they shall become due and remain unpaid: *And, provided, further*, that if the county judge, or any other person interested in the support of such child, shall deem it necessary, in order to secure the payment or collection of such judgment, that the same should be made a lien on real estate, a transcript of said proceedings and judgment shall be made by the clerk of said county court, and filed and recorded in the office of the clerk of the circuit court of said county, in the same manner and with like effect as transcripts of judgments of justices of the peace are filed and recorded, to make the same a lien on real estate; and execution and other process shall thereupon issue for the collection of said judgment, as in case of other judgments in said circuit court; and the provisions of this section shall, as far as applicable, apply to all bonds which have heretofore been taken in pursuance of the statutes in regard to bastardy.

§ 13. The reputed father of a bastard child shall not have the right to the custody or control of such child, if the mother is living and wishes to retain such custody and control, until after it shall have arrived at the age of ten years, unless, upon petition to the circuit court of the county in which the mother resides, it shall, on full hearing of the facts in the case, after notice to the mother, be made to appear to the judge of said court that said mother is not a suitable person to have the control and custody of such child.

§ 14. If the said child should never be born alive, or be born alive, should die at any time, and the fact shall

be suggested upon the record of the said court, then the bond aforesaid shall from thenceforth be void.

In case of marriage.

§ 15. If the mother of any bastard child, and the reputed father, shall, at any time after its birth, intermarry, the said child shall, in all respects, be deemed and held legitimate, and the bond aforesaid be void.

Time of action.

§ 16. No prosecution under this act shall be brought after two years from the birth of the bastard child: *Provided*, the time any person accused shall be absent from the state, shall not be computed.

Acts repealed.

§ 17. That chapter sixteen of the Revised Statutes of 1845, entitled "Bastardy;" an act entitled "An act to amend chapter sixteen of the Revised Statutes of 1845, entitled "Bastardy," approved March 30, 1869; and an act entitled "An act to amend chapter sixteen of the Revised Statutes of this state," approved February 24, 1847; and an act entitled "An act to amend chapter sixteen of the Revised Statutes of 1845, entitled "Bastardy," approved February 22, 1861; and all other acts inconsistent with this act, are hereby repealed; but this section shall not be construed to affect any right or liability that may have accrued, or any proceeding that may be pending when this act takes effect.

APPROVED April 3, 1872.

BONDS.

In force March 26, 1872.

AN ACT to enable counties, cities, townships, school districts, and other municipal corporations, to take up and cancel outstanding bonds and other evidences of indebtedness, and fund the same.

Evidences of indebtedness issued.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases where any county, city, township, school district, or other municipal corporation, have issued bonds or other evidences of indebtedness for money, on account of any subscription to the capital stock of any railroad company, or on account of or in aid of any public improvement, or for any other purposes, which are now binding or subsisting legal obligations against any such county, city, township, school district or other municipal corporations, and remaining outstanding, and which were properly authorized by law, the proper authorities of any such county, city, township, school district or other municipal corporations may, upon the surrender of any such bonds, or other evidences of indebtedness, or

any number thereof, issue in place or in lieu thereof, to the holders or owners of the same, new bonds or other evidences of indebtedness, in such form, for such amount, upon such time, not exceeding the term of twenty years, and drawing such rate of interest as may be agreed upon with such holders or owners: *Provided*, such new bonds or other evidences of evidences, shall not be for a greater sum than the principal sum or sums named in such original bonds or other evidences of indebtedness, nor bear a greater rate of interest than the rate represented in the original bonds or other evidences of indebtedness; and such bonds or other evidences of indebtedness, so issued, shall show on their face that they are issued under this act: *And, be it further provided*, that the issue of such new bonds in lieu of such indebtedness, shall be authorized by a vote of a majority of the legal voters of such county, city, township, school district or other municipal corporation, voting either at some annual or special election of such municipal corporation.

§ 2. Whereas some counties, cities, townships and other municipal corporations in this state, have outstanding bonds and other evidences of indebtedness that will soon fall due, and are without any remedy for renewing or funding the same, therefore this act shall be in force from and after its passage. Emergency.

APPROVED March 26, 1872.

AN ACT to require state and county treasurers to deliver up bonds and coupons issued in aid of railroad or other corporations, which have been paid, to any person or persons who may be authorized by any county, town or city to receive the same. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the treasurer of state, and all county treasurers in the state, at whose office any county, town or city bonds or coupons are made payable by law, which have been issued in aid of any railroad or other corporation or in payment of the stock of any such railroad or other corporation in this state, shall, at least once in each year, after this act shall be in force, if so requested by the proper authorities of any such county, town or city, account to and with any person designated by any such county, town or city, for any and all money that may have come to his or their hands for the payment of any bonds or coupons, so issued as aforesaid, and shall, upon such accounting, deliver up to such person so designated by any of the counties, towns or cities aforesaid, any and all bonds or coupons that he or they may have fully Treasurers to account for money.

paid off and discharged out of the money coming into their hands for such purpose, and to take a voucher for all such bonds or coupons so delivered.

Fees for collecting.

§ 2. There shall be allowed and paid out to the county treasurers, and to the county, town and city collectors for collecting, receiving and paying out any and all taxes levied for the payment of any such bonds or coupons or interest on the same, the amount of one-half per centum, as fees for such service, and no more, for such amount so paid out: *Provided*, if any of the above officers are now or may be hereafter paid a salary for the performance of these duties, then they shall not be paid any other compensation whatsoever.

§ 3. All laws in conflict with this act are hereby repealed.
APPROVED March 7, 1872.

In force Feb. 23, 1872. AN ACT to enable counties having over one hundred thousand inhabitants to issue bonds and borrow money for county purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the board of commissioners of counties containing over one hundred thousand inhabitants may, in their discretion, by a two-thirds vote, for the purpose of erecting a court house on the site heretofore used for that purpose, and a jail, and other necessary public buildings for the use of said county, at such points and places as may be selected by said board, and for the purpose of funding the floating debt of said county, and to provide for the restoration and perpetuation of the public records, issue the bonds of said county from time to time, as the same may be required, to an amount not exceeding in the aggregate the sum of fifteen hundred thousand dollars, to bear interest not exceeding seven per centum per annum, payable semi-annually: *Provided*, that the issuing of said bonds is hereby limited by the constitutional limitation, which limits the amount of indebtedness, including that then existing, to five per centum on the value of the taxable property in the county, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, the principal and interest of said bonds to be made payable at such time or times, not exceeding twenty years from the date thereof, and at such place or places as such board shall designate. And the said board may authorize said bonds to be sold from time to time, at not less than their par value, and by a two-thirds vote of said board, they may be sold at less than par; the proceeds thereof to be paid into the county treasury, to be used as required for the purposes aforesaid.

' Commissioners may issue bonds

§ 2. The said bonds may be issued in such sums, not exceeding five thousand dollars each, as said board of commissioners shall determine, and shall be signed by the chairman of said board and the clerk of the county court of said county, and shall be sealed with the seal of said county court, and registered by the treasurer of said county, and interest coupons may be attached thereto, signed by the treasurer of said county only.

In what sums,
coupons.

§ 3. In case said board of commissioners shall issue and sell the bonds of said county, in pursuance thereof, they shall, from time to time, as the same may be required, cause taxes to be levied upon the taxable property within the limits of said county, for the payment of the principal and interest of said bonds, as the same shall become due and payable—which taxes shall be collected as other county taxes, and when collected shall be applied to the payment of said principal and interest.

Taxes to be
levied to pay
bonds.

§ 4. Whereas by reason of the recent destruction by fire of public buildings and other property, an emergency exists, requiring this act to take effect immediately: therefore this act shall take effect and be in force from and after its passage.

Emergency.

APPROVED February 23, 1872.

BRIDGE COMPANIES.

AN ACT for the incorporation of bridge companies.

In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That any number of persons, not less than ten, may form a company for the purpose of constructing and maintaining a bridge over any of the streams of water (or any part of such streams) situated within the state of Illinois, or upon the boundary thereof, for public use, for the crossing of persons or property, and for that purpose may make, sign and acknowledge before any officer authorized to take acknowledgments, articles of association, in which shall be stated the name of the company, the number of years the same is to continue, the place at which the said bridge is to be constructed, the name or names of the county or counties in which it is intended to be made, the purpose for which it is to be used, whether for railroads or ordinary travel, or both, the amount of the capital stock of the company, the number of shares of said stock, the names and places of residences*

Manner of forming companies

of the directors of said company, not less than five nor more than thirteen in number, who shall manage its affairs for the first year, and until others are chosen in their place. Such articles of association shall also state the residence of each subscriber, and the number of shares he has agreed to subscribe for. Such articles of association shall be filed in the office of the secretary of state, who shall indorse thereon the date when the same was filed, and record the same in a book to be provided by him for that purpose, and, thereupon, the persons who have so subscribed such articles of association, and all persons who shall become stockholders in such company, shall be a corporation by the name specified in such articles of association, and shall possess the powers and privileges incident to such corporations.

Lands for use
of company.

§ 2. In case it may become necessary to appropriate any lands belonging to private persons or to corporations, to the use of said company, and the owners of said property cannot agree with the said company upon the proper compensation to be paid, or in case the owner is incapable of contracting, unknown or a non-resident of the state, said property shall be taken by said company in such manner as may be provided by the laws of the state of Illinois for the taking of private property for public or corporate purposes.

May issue bonds

§ 3. Any company organized under this act shall have the right to issue bonds, or other evidences of indebtedness, negotiate loans for the construction of said bridge, secure such indebtedness by deed of trust, or mortgage on the property of said company, and may have the power to consolidate its franchise and property, in the manner provided by general law, with that of any bridge company within the state, or with that of any bridge company organized under the laws of an adjoining state, and may exercise any other rights and powers incident to such corporations which may be necessary to carry out the objects contemplated in such organization.

Trustees and
managers.

§ 4. The trustees, managers or directors of such corporation shall be elected and classified in the manner provided by law for the election and classification of the trustees, managers or directors of incorporated companies, and at least one-third of such directors shall be citizens of this state.

APPROVED April 10, 1872.

AN ACT in relation to bridges across rivers on the borders of this state. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That each and every corporation created by the laws of this state prior to the adoption of the new constitution, for the purpose of building bridges across the Mississippi river or other navigable streams on the borders of this state, and which shall have commenced, but shall have failed to complete the construction of its bridge within the time limited in its charter, be and the same is hereby allowed, and is invested with full power and authority to proceed in the construction of its said bridge, and complete the same, anything in its charter to the contrary notwithstanding: *Provided, however,* that the same shall be constructed and completed within ten years from and after the passage of this act: *And, provided, further,* that such corporation shall have been organized and been in operation within ten days from the time the new constitution took effect.

APPROVED March 19, 1872.

BRIDGES.

AN ACT to provide for the erection and maintenance of bridges by two or more towns. In force March 29, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever the supervisors of two or more towns, in counties organized under the township organization law, shall be petitioned by twelve legal voters who are freeholders residing within each town, praying for the erection and maintenance of a bridge in either or any of such towns, in which petition shall be designated the place where the same shall be constructed, it shall be the duty of such supervisors to make an estimate of the expense which may be incurred in the erection of such bridge, and to agree among themselves as to what proportion of such expense it would be equitable and just that each of such towns should bear and sustain in the erection of such bridge. Petition for erection.

§ 2. In case the supervisors can so agree, it shall be their duty to make out, in writing, such estimate of the total expense of building such bridge, as in the petition set forth, and general character of such proposed bridge, and the pro- Supervisors to estimate cost.

portion of such expense to be assigned to each town, and to deliver a copy thereof, signed by all of such supervisors, to each of such supervisors so concurring therein, and each supervisor to whom such copy is delivered shall deposit the same with the town clerk of his town.

Town clerk to
give notice.

§ 3. It shall be the duty of the town clerk to include in the notice of the next annual town meeting, a statement that the question will be submitted, at such town meeting, whether such town will contribute the proportion of the expense so assigned such town towards the erection of such bridge.

Manner of vot-
ing.

§ 4. At the regular town meeting in each of such towns, the qualified voters therein may each cast a ballot in the following form: "For appropriation to build bridge," or "Against appropriation to build bridge." If a majority of the votes cast on the question in each of said towns shall be for such appropriation, then the agreement as to the proportion of such expense which each of such towns should so sustain for such purpose, shall be deemed to be ratified by and obligatory upon such towns respectively: *Provided*, that if the proposition so submitted fails to receive a majority of the votes cast on the question, in any of such towns, the same shall not be obligatory upon any or either of such towns: *Provided, further*, that if the supervisor or supervisors of any such town or towns shall, at any time thereafter, deem it proper or expedient to submit the question again to a vote of such town or towns, as provided in and by this act, it shall and may be lawful so to do.

When proposi-
tion is ratified.

§ 5. In case such proposition is ratified in all of the towns to which the same shall be so submitted, the supervisors (and assistant supervisors, if any) of such towns shall collectively constitute a board, which shall be authorized to erect such bridge and to make all necessary contracts therefor, in behalf of such towns, as shall so unite for that purpose, and the expense of erecting such bridge shall be borne by such towns respectively, in proportion to the amount of such expense so assigned to and ratified by such towns as aforesaid; but such board may make joint contracts in behalf of all such towns, in writing, for the erection of such bridge: *Provided*, that no such contract shall be binding unless concurred in by a majority of the board.

May levy tax
or issue bonds.

§ 6. Any town so voting to bear a portion of the expense of building such bridge, may levy a tax to raise the whole amount so assigned to such town, or any part thereof, in any one year; or, when so directed, by a vote of the town, at any annual or special town meeting, the supervisor thereof may issue bonds of such town for the whole or any portion of the amount of such appropriation, which bonds shall be payable at such times and bear such interest as may be determined by a vote of the town meeting authorizing the same to be issued: *Provided*, that no such

bonds shall run for a greater period than five years: *And, provided, further,* that such supervisor shall not negotiate, sell, or in any way dispose of any one or more of said bonds for less than ninety cents on the dollar, of each and every dollar for which they are issued, nor shall such bonds draw a greater rate of interest than ten per cent. per annum.

§ 7. Whenever any such bonds shall be so issued, the same shall be signed by the supervisor and town clerk of the town, in their official capacity, and shall contain on their face a reference to the vote of the town authorizing the same to be issued. Bonds so issued.

§ 8. The supervisor of each town shall have the authority to negotiate such bonds in behalf of the town, as provided in section six, and to use the proceeds thereof, and any money that may be raised by tax for that purpose, in paying the proportion of the expense of building such bridge assigned to his town in the manner aforesaid. Proceeds bonds.

§ 9. Before receiving any such funds or bonds the supervisor shall give a bond to the town, in a sufficient penalty to cover the amount of all such bonds and funds, with sureties, to be approved by the commissioners of highways, conditioned for the faithful appropriation of such bonds or funds to the purpose for which the same was voted by the town. Supervisor to give bond.

§ 10. After any such bridge shall be so built, the same shall remain in the control of the supervisors of, and be maintained and kept in repair by, the towns so contributing towards the erection thereof, and each of such towns shall contribute towards such maintenance in the same proportion as it voted toward such erection of the bridge: *Provided,* that if any town, other than the town or towns in which the bridge is located, shall vote, at any annual town meeting, that it will no longer contribute towards the maintenance of such bridge, it shall thereafter be relieved from such obligation, and shall no longer participate in the control of such bridge. Supervisors to control bridge.

APPROVED March 22, 1872.

AN ACT giving the assent of the state of Illinois to the construction of bridges across navigable rivers in this state, and upon the boundaries thereof. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the assent of the state of Illinois is hereby given to any corporation or association organized under the laws of this state

and subject thereto, to construct bridges across navigable rivers in this state, and upon the boundaries thereof, whenever authorized by the congress of the United States, under such conditions and restrictions as the congress may impose.

APPROVED April 4, 1872.

CANADA THISTLES.

In force March
15, 1872.

AN ACT concerning Canada thistles.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there may be appointed by the board of town auditors in counties under township organization, and by the county commissioners in counties not under township organization, for each township or election precinct, and by the city council of any city, or by the president and trustees of any town or village, as the case may be, some competent person, to be styled "Commissioner of Canada Thistles," who shall take the oath required of township or precinct officers, and shall hold his office for the term of three years, and until his successor is appointed and qualified; and he shall receive for his compensation the sum of two dollars a day, for each full day necessarily spent in the performance of his duty, to be verified by affidavit. The board of appointment may, at any time, for good cause, remove the commissioner from office, and appoint his successor, to serve the remaining portion of his time.

Commissioner
of Canada this-
tles.

Compensation.

Duty of the
commissioner.

§ 2. The Commissioner of Canada Thistles shall diligently inquire concerning the introduction and existence of Canada thistles in his township or precinct, and if any are found growing therein he shall take charge of all such growing in the highway and on uninclosed lands, and take care that they do not go to seed, or otherwise spread; and he shall carefully seek and learn, so far as practicable, the best methods for their destruction, and he shall persistently apply, in proper time, such remedy or treatment as he shall deem best calculated to prevent their spread and to eradicate the same.

Commissioner
to advise with
owner of land.

§ 3. In case said thistles are found growing on inclosed lands, the commissioner shall advise with the owner, agent or occupant on their treatment, and if the said commissioner shall deem it necessary and expedient for him to fully control the same, he shall agree with the owner, agent or occupant on the boundaries of the tract so infected, which it is

expedient for him to control, and he shall mark the same by stakes, or by fence, if thought best; and thereafter such infected tract, or so much as from time to time remains infected, shall be managed and controlled by the said commissioner, for the purpose of destroying the said thistles, and so long as it may be necessary to complete the work. In case the commissioner and the owner, agent or occupant of the land cannot agree, as regards the propriety of the commissioner controlling such tract, or of the boundaries of the same, then the commissioner shall proceed to stake out or mark such boundaries as he deems proper, and file a copy of his decision with the town clerk, or in counties not under township organization with the county clerk. The owner, agent or occupant of the land may, if he feels aggrieved, appeal from such decision of the commissioner, without bonds, within twenty days, to the commissioners of highways of the town, or to the county commissioners, as the case may be, who shall proceed to view the same, and to hear the reasons for and against the decision of the commissioner; and a majority of such board of appeal shall decide as to the propriety of taking possession of the tract alleged to be infected, and if they decide to take such possession, what shall constitute the boundaries of the same, and shall direct said commissioner to exterminate said thistles (which are hereby declared a public nuisance), without unnecessarily depriving the owner of the land of any legitimate use and enjoyment of the same.

Appeal.

§ 4. The commissioner shall apply the best known means, and use the utmost diligence, in eradicating the thistles; but he shall not have power to expend in work or materials more than one hundred dollars on any one infected tract, without the advice and consent, in writing, of the supervisor of the town, or of the county commissioners, as the case may be.

Commissioner to eradicate thistles.

§ 5. It shall be the duty of the commissioner to prosecute or complain to the proper authorities of any person or corporation who may violate any law now existing, or which may hereafter be passed, on the subject of Canada thistles.

Commissioner to prosecute.

§ 6. The commissioner shall, annually, before the first day of November, make a written report to the supervisor of the town, or to the county commissioners, as the case may be—which report shall be filed with the town clerk, or, in counties not under township organization, with the county clerk. The report made to the supervisor shall be publicly read at the annual town meeting. Said report shall state—

Report of the commissioner.

First—Whether there are or not any Canada thistles growing in the town or precinct.

Second—If any are growing, where and how many, and when and how introduced.

Third—A detailed statement of his treatment of each infected tract, with cost and result.

Fourth—He shall report such other matters as may be required of him by the board of town auditors, or by the county commissioners.

Fifth—He shall state his views on their further treatment, and make such suggestions and recommendations as he may deem proper and useful.

And he shall also forward a copy of said report to the secretary of the State Board of Agriculture, who shall collate and report the same to the governor by the first day of December of each year.

Accounts of
commissioner.

§ 7. The board of town auditors, and the county commissioners in counties not under township organization, shall audit the accounts of the commissioner, both for his services and for the money expended or labor employed by him; and they shall provide for their payment as they now do for other town or county expenses.

Appropriations
by counties.

§ 8. The boards of supervisors and county commissioners may make appropriations from the county treasury to aid in destroying the Canada thistle in any one or more towns or precincts of the county; and in case they deem it expedient, they may assume control over any one tract or of all the Canada thistles in the county, and make such provision as they may deem necessary, and impose penalties, not exceeding one hundred dollars for each offense, for a violation of any provisions, by-laws or regulations made by them on this subject, to be sued for by the commissioner, in the name and for the use of the proper county, before any justice of the peace having jurisdiction. Whenever the board of supervisors or county commissioners shall decide to assume control, and so long as they exercise it, their jurisdiction shall be superior to that of the commissioner.

Emergency.

§ 9. Whereas, Canada thistles are now growing in various parts of the state, requiring attention before the first day of July: therefore this act shall take effect and be in force from and after its passage.

APPROVED March 15, 1872.

CANALS.

AN ACT relative to the powers and duties of the canal commissioners relative to the Illinois and Michigan Canal, the lock and dam at Henry, and the improvement of the Little Wabash river. In force March 7, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of canal commissioners may adopt an official seal to authenticate their official acts; and all contracts, leases, or other instruments in writing, executed by said board, may be attested with such seal, and signed by such of the members of said board, or by their secretary, as the board of commissioners may by resolution direct; and in the performance of their official duties, and for all legal purposes, the said commissioners shall be deemed officers of the state, and not as a distinct corporation. Board to adopt seal.

§ 2. The board of commissioners shall have the general control and management of the Illinois and Michigan Canal, the lock and dam in the Illinois river at Henry, and of the Little Wabash river improvement; and shall have power to make all necessary contracts, and appoint and employ all necessary officers, agents and employes therefor, and which may be necessary to enable the said commissioners efficiently to discharge the duties devolved upon them. The said commissioners shall have power to remove from office and discharge any officer, agent or employe appointed or employed by the commissioners; and shall also have power to prescribe reasonable rules and regulations to govern such officers, agents and employes; and to fix the rate of tolls upon the Illinois and Michigan Canal, and the mode of collecting the same; and to prescribe reasonable rules and regulations concerning transportation upon said canal, and to prohibit persons who willfully fail to comply with such rules, from using said canal. Commissioners to have control.

§ 3. The board of canal commissioners shall also have power to establish and collect reasonable rates of toll for the passage and use of the said lock at Henry and the lock on the Little Wabash river, and to prescribe and enforce reasonable rules and regulations for the passage and use of said locks by boats: *Provided*, that the use of said locks shall be free to the United States for the transportation of troops and munitions of war: *And, provided, further*, that the rates of toll on through freights, including the lockage at Henry, shall not be more than the rates heretofore charged on the Illinois and Michigan Canal on through freights. To establish rates of toll.

Tolls to be paid
in state treasury

§ 4. All tolls received for the use of said locks and river improvement, not necessary to keep the same in repair, and to pay the expenses of the collection thereof, shall be paid quarterly into the state treasury as a part of the general revenue of the state.

Power to lease
lands.

§ 5. The canal commissioners shall have power to lease any of the canal lands and lots now owned by the state, for a period not exceeding ten years; and may sell the same when, in their judgment, the interest of the state will be promoted; but before doing so, shall obtain the approval of the governor, both as to when, where and how the same shall be sold: *Provided, however*, that no part of the ninety feet strip along the canal, or any of the real estate in the city of Chicago, shall be sold. And it shall be their duty to take all necessary proceedings in behalf of the state to establish the title of the state to, and recover the possession of, any canal lands or real estate owned by the state, which may be claimed by, or be in the adverse possession of, any other person or party; and when necessary for that purpose, to cause appropriate suits, in the name of the People of the State of Illinois as plaintiff, to be instituted and prosecuted therefor. The said commissioners shall have power to lease to the highest and best bidder, any water power, and lands and lots connected therewith, belonging to the state, for any period not longer than fifteen years: *Provided, however*, that before any lease shall be made, public notice shall be given of such leasing, for at least sixty days, in some newspaper published in the neighborhood.

Power to sell
personal prop-
erty.

§ 6. They shall also have power to sell the engines, boilers and machinery, in the pumping house at Bridgeport, and any other fixtures or personal property, unnecessary for the proper management of the canal or river improvements and pertaining to the same.

Report.

§ 7. Said commissioners shall make an annual report to the governor, showing a summary of their official action, and containing an exhibit, showing the amounts of all moneys collected or received by said commissioners, and the sources from which such amount was received, and for what purpose, and when disbursed or paid over; and such other matters as said commissioners may deem advisable, or as the governor may require.

To execute con-
veyances.

§ 8. Said commissioners are hereby authorized and directed to execute, in due form, all necessary conveyances that may be required to comply with the conditions of any bond, contract or agreement heretofore made by those lawfully authorized to sell any of the real estate known as "Canal lands," whenever the purchasers shall have complied with the conditions of said instruments of writing, and said commissioners are satisfied that they are justly entitled to such deeds. They are also further authorized to settle and adjust all claims against the state growing out of

the said canal since the said commissioners took charge and control of the same, and when fully satisfied than any such claim is a just charge against the present management, shall pay the amount out of the earnings of the canal.

§ 9. All laws or parts of laws inconsistent with the provisions of this act are hereby repealed. Repealed.

§ 10. Inasmuch as the public interests require that said commissioners should at once have the right to exercise the powers mentioned in this act, an emergency exists requiring this act to take effect immediately: therefore, this act shall take effect and be in force from and after its passage. Emergency.

APPROVED March 7, 1872.

AN ACT to settle up and close the trust of the Board of Trustees of the Illinois and Michigan Canal. In force April 22, 1871.

WHEREAS the Illinois and Michigan Canal, and all remaining canal property, have reverted or are about to revert to the state, and it devolves upon the general assembly to take the necessary steps to insure judicious and economical management of the same; therefore, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it is hereby made the duty of the canal commissioners of this state, upon the termination of the trust provided for by an act entitled "An act to provide for the completion of the Illinois and Michigan Canal," approved February twenty-first, one thousand eight hundred and forty-three, and the acts amendatory thereto, to examine and audit the accounts of the board of trustees of the Illinois and Michigan Canal, and if, upon such examination, they shall find said accounts correct, they shall state the said accounts in full; and they, together with the canal trustees, shall certify that they are correct, and shall transmit copies thereof to the governor, who shall report the same to the general assembly at its next meeting. Commissioners to examine accounts.

§ 2. That it shall be the duty of the canal commissioners to take charge of and exercise full control over the Illinois and Michigan Canal, from and after the passage of this act, and to receive from the board of trustees, aforesaid, all the money on hand belonging to the Illinois and Michigan canal fund, and pay the same into the state treasury, and also to receive such other property, books and office buildings, held by them as such trustees; and it shall be the duty of the said board of trustees to comply with the provisions of this act, and pay over all such money and deliver all such property to said commissioners promptly, upon the Commissioners to take full control.

passage of this act : *Provided*, that any claim for which the state trustee is now liable may be prosecuted against the said commissioners, and shall be paid by them out of the resources of the canal : *Provided*, that all moneys received for rents and tolls, not necessary for the expenses of the canal and for keeping the same in repair, shall be paid quarterly, into the state treasury, and that the rate of tolls shall not be increased without the consent of the general assembly.

Trustees to execute a release.

§ 3. That upon the termination of said trust, according to the provisions of the act above referred to, the said board of trustees shall execute under their hands and corporate seal, to the state of Illinois, a release deed of all and singular the remaining property, assets and effects, of every name and description, of said trust.

Commissioners to appraise lands and property.

§ 4. The said board of commissioners shall appraise all lands, islands, lots or parcels of land belonging to the canal property, not heretofore sold and forfeited, or which may hereafter be forfeited, and report the same to the governor, to be by him reported to the general assembly.

Emergency.

§ 5. As appears by the preamble, an emergency having arisen, this act shall take effect and be in force from and after its passage.

APPROVED April 22, 1871.

In force July 1, 1872. AN ACT to grant the use of the canals in this state to the use of the inhabitants of the Dominion of Canada, upon conditions named.

Preamble.

WHEREAS by a treaty, concluded in the city of Washington, on the eighth day of May, eighteen hundred and seventy-one, between the United States and Great Britain, the government of her Britannic majesty engages to urge upon the government of the Dominion of Canada, to secure to the citizens of the United States the use of the Welland, St. Lawrence and other canals in the Dominion, on terms of equality with the inhabitants of the Dominion ; and the government of the United States engages that the subjects of her Britannic majesty shall enjoy the use of the St. Clair Flats canal, on terms of equality with the inhabitants of the United States, and further engages to urge upon the state governments to secure to the subjects of her Britannic majesty the use of the several state canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States ; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when the Dominion of Canada shall have secured to the citizens of the United States the use of the Welland, St. Lawrence and other canals in the Dominion, on terms of equality with the inhabitants of the Dominion, and proper official notice of the same shall have been communicated to the president of the United States, then the use of the Illinois and Michigan Canal, and all other canals that may be constructed by this state, connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, is hereby granted to the subjects of her Britannic majesty on terms of equality with the inhabitants of the United States. Use of canals granted.

APPROVED April 4, 1872.

CERTIFICATES.

AN ACT to make the certificates of the register or receiver of any land office of the United States *prima facie* evidence. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the certificate of the register or receiver of any land office in this state to matters on record in their offices, accompanied by a certificate of the secretary of state of this state, under seal of this state, that he is well acquainted with the hand writing of such register or receiver, and the signature thereto is genuine, shall be *prima facie* evidence in all courts in this state. Certificates to be evidence.

§ 2. A fee of fifty cents shall be allowed for the services of the secretary of state for each such certificate made by him. Fee.

APPROVED March 22, 1872.

CITIES AND VILLAGES.

In force July 1,
1872.

AN ACT to provide for the incorporation of cities and villages.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows—*

ARTICLE I.

OF THE ORGANIZATION OF CITIES.

Petition of voters.

That any city now existing in this state may become incorporated, under this act, in manner following: When ever one-eighth of the legal voters of such city, voting at the last preceding municipal election, shall petition the mayor and council thereof to submit the question as to whether such city shall become incorporated, under this act, to a vote of the electors in such city, it shall be the duty of such mayor and council to submit such question accordingly, and to appoint a time and place, or places, at which such vote may be taken, and to designate the persons who shall act as judges at such election; but such question shall not be submitted oftener than once in four years.

Notice of election.

§ 2. The mayor of such city shall give at least thirty days' notice of such election, by publishing a notice thereof in one or more newspapers within such city; but if no newspaper is published therein, then by posting at least five copies of such notice in each ward.

Ballots, returns of election.

§ 3. The ballots to be used at such election shall be in the following form: "For city organization under general law;" or, "Against city organization under general law." The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns and cause the result of such canvass to be entered upon the records of such city. If a majority of the votes cast at such election shall be for city organization under general law, such city shall thenceforth be deemed to be organized under this act; and the city officers then in office shall, thereupon, exercise the powers conferred upon like officers in this act, until their successors shall be elected and qualified.

Incorporated towns.

§ 4. Any incorporated town in this state, having a population of not less than one thousand inhabitants, may become incorporated as a city in like manner as hereinbefore provided; but in all such cases the president and trustees of such town shall, respectively, perform the same duties relative to such a change of organization as is above required to be performed by the mayor and council of cities.

§ 5. Whenever any area of contiguous territory in this state, not exceeding four square miles, shall have resident thereon a population of not less than one thousand inhabitants, which shall not already be included within any incorporated town or city, the same may become incorporated as a city in manner following: Any fifty legal voters thereof may file in the office of the clerk of the county court of the county in which such inhabitants reside, a petition, addressed to the judge of such court; and if the territory described in said petition shall be in more than one county, then the petition shall be addressed to the judge of the court where a greater part of such territory is situated; which petition shall define the boundaries of such proposed city, and state the number of inhabitants residing within such limits, and also state the name of such proposed city, and shall contain a prayer that the question be submitted to the legal voters residing within such limits, whether they will organize as a city under this act. It shall be the duty of the county judge to fix a time and place, within the boundaries of such proposed city, at which an election may be held, to determine such question; and such judge shall name the person to act as judges in holding such election, and shall give notice thereof by causing ten notices to be posted in public places within such proposed city. And the third section of this article shall be applicable to such election: *Provided*, that the returns of such election shall be made to and canvassed by the county judge and any two justices of the peace whom he shall call to his assistance, instead of the city council; and the result of such election shall be entered upon the records of such county court. If a majority of the votes cast at such election shall be "For city organization under general law," the inhabitants of such territory, described in such petition, shall be deemed to be incorporated as a city, under this act, and with the name stated in the petition.

Manner of incorporating territory.

To be determined by election.

§ 6. All courts in this state shall take judicial notice of the existence of all villages and cities organized under this act, and of the change of the organization of any town or city from its original organization to its organization under this act; and from the time of such organization, or change of organization, the provisions of this act shall be applicable to such cities and villages, and all laws in conflict therewith shall no longer be applicable. But all laws or parts of laws not inconsistent with the provisions of this act, shall continue in force and applicable to any such city or village, the same as if such change of organization had not taken place.

Courts to take judicial notice.

§ 7. It shall be the duty of the president and board of trustees of any town which shall have voted to change its organization to a city, under this act, to call and give notice of an election to elect city officers, and to designate the time and

Election for officers, notice.

place or places of holding the same. Such notice shall be published in a newspaper, if there be one, within the town, or posted in ten public places, for at least twenty days before such election. Such president and trustees shall appoint the judges and clerks to hold such election, canvass the returns thereof, and cause the result to be entered upon the records of the town; and the provisions of this act, relative to the election of city officers, shall be applicable thereto; but, at such election, aldermen may be elected on a general ticket.

County judge
to call election.

§ 8. In case of cities organizing under section five (5) of this article, the county judge shall call and give notice of the election, and perform the same duties relative thereto as is above required to be performed by president and trustees of such town, and in canvassing such returns shall call to his assistance two justices of the peace.

Term of office.

§ 9. The city officers elected under either of the preceding sections, shall hold their respective offices until the next succeeding regular election for such officers, respectively, and until their successors are elected and qualified, as provided in this act.

Bodies politic
and corporate.

§ 10. Cities organized under this act shall be bodies politic and corporate, under the name and style of "City of (name)," and under such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal and change the same at pleasure, and exercise all the powers hereinafter conferred.

Ordinances to
continue in
force.

§ 11. All ordinances, resolutions and by-laws, in force in any city or town when it shall organize under this act, shall continue in full force and effect until repealed or amended, notwithstanding such change of organization; and the making of such change of organization shall not be construed to effect a change in the legal identity, as a corporation, of such city or town.

Rights of prop-
erty.

§ 12. All rights and property of every kind and description, which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal incorporation upon its becoming incorporated under the provisions of this act, but no rights or liabilities, either in favor of or against such corporation, existing at the time of so becoming incorporated under this act, and no suit or prosecution of any kind, shall be effected by such change, but the same shall stand and progress as if no change had been made: *Provided*, that when a different remedy is given by this act, which may properly be made applicable to any right existing at the time of such city so becoming incorporated under this act, the same shall be deemed cumulative to the remedies before provided, and used accordingly.

§ 13. The corporate authorities of any city or village which may become organized under this act shall, within three months after organization hereunder, caused to be filed in the office of the recorder of deeds, in the county in which such city or village is situated, a certified copy of the entry made upon the records of the city, village or county court, of the canvass of the votes, showing the result of such election, whereby such city or village became so organized—and such recorder of deeds shall record the same. And such corporate authorities shall also cause a like certificate to be filed in the office of the secretary of state, who shall file the same, and keep a registry of cities and villages organized under this act.

Copy of canvass of votes to be filed.

ARTICLE II.

OF THE MAYOR.

SECTION 1. The chief executive officer of a city shall be a mayor, who shall be a citizen of the United States, a qualified elector, reside within the city limits, and hold his office for two years and until his successor is elected and qualified.

Qualification.

§ 2. Whenever a vacancy shall happen in the office of the mayor, when the unexpired term shall be one year or over from the date when the vacancy occurs, it shall be filled by an election.

Vacancy.

§ 3. If the vacancy is less than one year, the city council shall elect one of its number to act as mayor, who shall possess all the rights and powers of the mayor until the next annual election, and until his successor is elected and qualified.

City council may elect.

§ 4. During a temporary absence or disability of the mayor, the city council shall elect one of its number to act as mayor *pro tem.*, who, during such absence or disability, shall possess the powers of mayor.

Temporary absence.

§ 5. If the mayor, at any time during the term of his office, shall remove from the limits of the city, his office shall thereby become vacant.

Removal.

§ 6. The mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie, when he shall give the casting vote.

To preside.

§ 7. The mayor shall have power to remove any officer appointed by him, on any former charge, whenever he shall be of the opinion that the interests of the city demand such removal; but he shall report the reasons for such removal to the council at its next regular meeting.

May remove officers.

§ 8. He may exercise, within the city limits, the powers conferred upon sheriffs, to suppress disorder and keep the peace.

To suppress disorder.

§ 9. He may release any person imprisoned for violation of any city ordinance, and shall report such release,

with the cause thereof, to the council at its first session thereafter.

Duties. § 10. He shall perform all such duties as are or may be prescribed by law or by the city ordinances, and shall take care that the laws and ordinances are faithfully executed.

To inspect records. § 11. He shall have power at all times to examine and inspect the books, records and papers of any agent, employè or officer of the city.

Annual recommendations. § 12. The mayor shall, annually, and from time to time, give the council information relative to the affairs of the city, and shall recommend for their consideration such measures as he may deem expedient.

May call out the militia. § 13. He shall have power, when necessary, to call on every male inhabitant of the city over the age of eighteen years, to aid in enforcing the laws and ordinances, and to call out the militia to aid in suppressing riots and other disorderly conduct, or carrying into effect any law or ordinance, subject to the authority of the governor as commander-in-chief of the militia.

Liable to indictment. § 14. In case the mayor or any other municipal officer shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, mal-conduct or misfeasance in the discharge of the duties of his office, he shall be liable to indictment in any court of competent jurisdiction, and, on conviction, shall be fined in a sum not exceeding one thousand dollars; and the court in which such conviction shall be had, shall enter an order removing such officer from office.

Revision of ordinances. § 15. He may appoint, by and with the advice and consent of the city council, immediately after such change of organization, one or more competent persons to prepare and submit to the city council, for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government of such city, the compensation of such reviser or revisers to be determined and fixed by the city council and paid out of the city treasury.

ARTICLE III.

OF THE CITY COUNCIL.

SECTION 1. The city council shall consist of the mayor and aldermen.

Number of aldermen. § 2. The number of aldermen, when not elected by the minority representation plan, shall be as follows: In cities not exceeding three thousand inhabitants, six aldermen; exceeding three thousand but not exceeding five thousand, eight aldermen; exceeding five thousand and not exceeding ten thousand, ten aldermen; exceeding ten thousand and not exceeding thirty thousand, fourteen aldermen; and two additional aldermen for every twenty thousand inhabitants over thirty thousand: *Provided, however,* that in cities of

over one hundred thousand (100,000) inhabitants, there shall be elected thirty-six aldermen, and no more.

§ 3. Aldermen shall hold their office for the term of two years, and until their successors are elected and qualified. Term of office.

§ 4. If any vacancy shall occur in the office of alderman by death, resignation, removal or otherwise, such vacancy shall be filled by election. Vacancy.

§ 5. No person shall be eligible to the office of alderman unless he shall be a qualified elector, and reside within the ward for which he is elected, nor shall he be eligible if he is in arrears in the payment of any tax or other liability due to the city; nor shall he be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery or other corrupt practices or crimes; nor shall he be eligible to any office, the salary of which is payable out of the city treasury, if at the time of his appointment he shall be a member of the city council; nor shall any member of the city council at the same time hold any other office under the city government; nor shall he be either directly or indirectly, individually, or as a member of a firm, engaged in any business transaction (other than official) with such city, through its mayor or any of its authorized boards, agents or attorneys, whereby any money is to be paid, directly or indirectly, out of the city treasury to such member or firms. Qualification.

§ 6. The city council shall be judge of the election and qualification of its own members.

§ 7. It shall determine its own rules of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds of the aldermen elect, may expel a member, but not a second time for the same offense: *Provided*, that any alderman or councilman who shall have been convicted of bribery shall thereby be deemed to have vacated his office. Rules of proceeding.

§ 8. A majority of the aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees, under such penalties as may be prescribed by ordinance. Quorum.

§ 9. The city council may prescribe, by ordinance, the times and places of the meeting thereof, and the manner in which special meetings thereof may be called. Time and place of meeting.

§ 10. It may elect a temporary chairman in the absence of the mayor.

§ 11. It shall sit with open doors.

§ 12. It shall keep a journal of its own proceedings.

§ 13. The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of Yeas and nays.

any member, which shall be entered on the journal of its proceedings; and the concurrence of a majority of all the members elected in the city council shall be necessary to the passage of any such ordinance or proposition: *Provided*, it shall require two-thirds of all the aldermen elect to sell any city or school property.

Special meetings.

§ 14. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Report of committee.

§ 15. Any report of a committee of the council shall be deferred for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two aldermen present.

Jurisdiction.

§ 16. The city council and board of trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances, and regulations thereof.

§ 17. The mayor or any three aldermen may call special meetings of the city council.

Ordinances passed, veto.

§ 18. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk; and if the mayor approves thereof, he shall sign the same; and such as he shall not approve, he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

Reconsideration of vote.

§ 19. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal.

ARTICLE IV.

ELECTIONS.

General election

SECTION 1. A general election for city officers shall be held on the third Tuesday of April of each year.

§ 2. At the general election held in eighteen hundred and seventy-three, and biennially thereafter, a mayor shall be elected in each city. Mayor.

§ 3. All persons entitled to vote at any general election for state officers within any city or village, having resided therein thirty days next preceding thereto, may vote at any election for city or village officers. Voters.

§ 4. The city council may, from time to time, divide the city into one half as many wards as the total number of aldermen to which the city is entitled, and one alderman shall, annually, be elected in and for each ward, to hold his office for two years, and until his successor is elected and qualified. In the formation of wards, the population of each shall be as nearly equal, and the ward shall be of as compact and contiguous territory as practicable. Wards.

§ 5. At the first election under this act, there shall be elected the full number of aldermen to which the city shall be entitled. At the first meeting of the city council after such election, the aldermen elected shall be divided, by lot, into two classes: those of the first class shall continue in office for one year, and those of the second class for two years. And upon any increase of the number of aldermen at their first election, one-half shall be elected for one year, and one-half for two years. First election.

§ 6. Whenever this act shall be submitted to the qualified electors of any city for adoption, there shall be submitted at the same time for adoption or rejection the question of "minority representation" in the city council or legislative authority of such city. At the said election the ballot shall be in the following form: "For minority representation in the city council," or "Against minority representation in the city council." The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns and to cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be "For equal representation in the city council," then the members of the city council or legislative authority of such city shall be thereafter elected in the following manner: The city council or legislative authority of such city, at least one month before the general election in the year in which this act shall take effect in such city, shall apportion such city by dividing the population thereof, as ascertained by the last federal census, by any number not less than two nor more than six, and the quotient shall be the ratio of representation in the city council. Districts shall be formed of contiguous and compact territory, and contain, as nearly as practicable, an equal number of inhabitants. Minority representation.

§ 7. Every district shall be entitled to six aldermen. At the first meeting of the city council after such election, the aldermen elected shall be divided by lot into two classes, Aldermen to be classed.

the three receiving the lowest number of votes in the election to constitute the first class, and the three receiving the highest number of votes to constitute the second class. Those of the first class shall continue in office for one year, and those of the second class for two years; and upon any increase of the number of aldermen at their first election, one-half shall be elected for one year, and one-half for two years. Vacancies occurring by the expiration of term shall be filled by the election of aldermen for the full term of two years. Vacancies arising from any other cause than the expiration of term, shall be filled at an election to be held by the voters of the district in which such vacancy shall occur, at the time designated by the city council. In all elections for aldermen, aforesaid, each qualified voter may cast as many votes as there are aldermen to be elected, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit, and the candidates highest in votes shall be declared elected.

Election of aldermen.

§ 8. If a majority of the votes cast at such election shall be "against minority representation in the city council," the preceding section shall be null and void, so far as it relates to such city at such election, and the aldermen of such city shall be elected as otherwise provided for in this act.

Place of election.

§ 9. The city council shall designate the place or places in which the election shall be held, and appoint the judges and clerks thereof, and cause notice to be printed in some newspaper published in such city, if there be one, or posted at each voting place in such city, of the time, places of election, and of the officers to be elected, for at least twenty days prior to such election.

Manner of conducting elections.

§ 10. The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping of poll lists and canvassing the votes, shall be the same, as nearly as may be, as in the case of the election of county officers, under the general laws of this state. The judges of election shall appoint clerks, when necessary to fill vacancies, and the judges and clerks shall take the same oath and have the same powers and authority as the judges and clerks of general state elections. After the closing of the polls, the ballots shall be counted and the returns made out and returned, under seal, to the city or village clerk, as the case may be, within two days after the election; and, thereupon, the city council or board of trustees, as the case may be, shall examine and canvass the same and declare the result of the election, and cause a statement thereof to be entered upon its journal.

In case of a tie.

§ 11. The person having the highest number of votes, for any office, shall be declared elected. In case of a tie in the election of any city or village officer, it shall be determined by lot, in presence of the city council or board of

trustees, in such manner as they shall direct, which candidate or candidates shall hold the office.

§ 12. It shall be the duty of the village or city clerk, Clerk to notify officers. within five days after the result of the election is declared or appointment made, to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify in ten days after such notice, the office shall become vacant.

§ 13. If, for any cause, there shall not be a quorum in Special election. office of the city council or board of trustees, the mayor, clerk, or any alderman or trustee, as the case may be, may appoint the time and place for holding a special election to supply such vacancy and give notice and appoint the judges thereof.

§ 14. If there is a failure to elect any officer herein New election. required to be elected, or the person elected should fail to qualify, the city council or board of trustees may forthwith order a new election therefor; and in all cases, when necessary for the purposes of this act, may call special elections, appoint judges and clerks thereof, canvass the returns thereof, and provide by ordinance for the mode of conducting the same; and shall give notice of such special elections, in which shall be stated the questions to be voted upon, and cause such notices to be published or posted for the same length of time and in the same manner as is required in the case of regular annual elections in such cities or villages.

ARTICLE V.

OF THE POWERS OF THE CITY COUNCIL.

SECTION 1. The city council in cities, and president and Powers. the board of trustees in villages, shall have the following powers:

First—To control the finances and property of the corporation.

Second—To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation.

Third—To levy and collect taxes for general and special purposes on real and personal property.

Fourth—To fix the amount, terms and manner of issuing and revoking licenses.

Fifth—To borrow money on the credit of the corporation May borrow money. for corporate purposes, and issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate to exceed five (5) per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to

the incurring of such indebtedness; and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax, sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years after contracting the same.

Bonds.

Sixth—To issue bonds in place of or to supply means to meet maturing bonds, or for the consolidation or funding of the same.

Streets.

Seventh—To lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and vacate the same.

Eighth—To plant trees upon the same.

Ninth—To regulate the use of the same.

Tenth—To prevent and remove encroachments or obstructions upon the same.

Eleventh—To provide for the lighting of the same.

Twelfth—To provide for the cleansing of the same.

Gas and water
mains.

Thirteenth—To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas lights: *Provided, however,* that any company heretofore organized under the general laws of this state, or any association of persons organized, or which may be hereafter organized for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof, with the same, shall have the right, by consent of the common council (subject to existing rights), to erect gas factories, and lay down pipes in the streets or alleys of any city or village in this state, subject to such regulations as any such city or village may by ordinance impose.

Sidewalks.

Fourteenth—To regulate the use of sidewalks and all structures thereunder; and to require the owner or occupant of any premises to keep the sidewalks in front of, or along the same, free from snow and other obstructions.

Fifteenth—To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage or any offensive matter in, and to prevent injury to, any street, avenue, alley or public ground.

Sixteenth—To provide for and regulate cross walks, curbs and gutters.

Seventeenth—To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign-posts, awnings, awning posts, telegraph poles, horse troughs, racks, posting handbills and advertisements.

Eighteenth—To regulate and prohibit the exhibition or carrying of banners, placards, advertisements or handbills in the streets or public grounds, or upon the sidewalks.

Nineteenth—To regulate and prevent the flying of flags, banners or signs across the streets or from houses.

Twentieth—To regulate traffic and sales upon the streets, sidewalks and public places.

Twenty-first—To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation.

Twenty-second—To regulate the numbering of houses and lots.

Twenty-third—To name and change the name of any street, avenue, alley, or other public place.

Twenty-fourth—To permit, regulate or prohibit the locating, constructing or laying a tract of any horse railroad in any street, alley or public place; but such permission shall not be for a longer time than twenty years. Horse railroads.

Twenty-fifth—To provide for and change the location, grade and crossings of any railroad.

Twenty-sixth—To require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle guards, crossings of streets and public roads, and keep the same in repair, within the limits of the corporation. In case any railroad company shall fail to comply with any such ordinance, it shall be liable for all damages the owner of any cattle or horses, or other domestic animal, may sustain, by reason of injuries thereto while on the track of such railroad, in like manner and extent as under the general laws of this state, relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace, or other court of competent jurisdiction. Railroads to fence.

Twenty-seventh—To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroads. To compel such railroad to raise or lower their railroad tracks to conform to any grade which may, at any time, be established by such city, and where such tracks run lengthwise of any such street, alley or highway, to keep their railroad tracks on a level with the street surface, and so that such tracks may be crossed at any place on such street, alley or highway. To compel and require railroad companies to make and keep open and to keep in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded. Railroad crossings.

Twenty-eighth—To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof.

Twenty-ninth—To construct and keep in repair culverts, drains, sewers and cesspools, and to regulate the use thereof.

Thirtieth—To deepen, widen, dock, cover, wall, alter or change the channel of water courses.

Thirty-first—To construct and keep in repair canals and slips for the accommodation of commerce.

Thirty-second—To erect and keep in repair public landing places, wharves, docks and levees.

Thirty-third—To regulate and control the use of public and private landing places, wharves, docks and levees.

Thirty-fourth—To control and regulate the anchorage, moorage and landing of all water craft and their cargoes within the jurisdiction of the corporation.

Thirty-fifth—To license, regulate and prohibit wharf-boats, tugs and other boats used about the harbor or within such jurisdiction.

Thirty-sixth—To fix the rate of wharfage and dockage.

Thirty-seventh—To collect wharfage and dockage from all boats, rafts or other craft landing at or using any public landing place, wharf, dock or levee within the limits of the corporation.

Thirty-eighth—To make regulations in regard to the use of harbors, towing of vessels, opening and passing of bridges

Thirty-ninth—To appoint harbor masters, and define their duties.

Fortieth—To provide for the cleansing and purification of waters, water courses and canals, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisances.

Licenses.

Forty-first—To license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, keepers of ordinaries, theatrical and other exhibitions, shows and amusements, and to revoke such license at pleasure.

Forty-second—To license, tax and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe their compensation.

Forty-third—To license, regulate, tax and restrain runners for stages, cars, public houses, or other things or persons.

Forty-fourth—To license, regulate, tax or prohibit and suppress billiard, bagatelle, pigeon hole or any other tables or implements kept or used for a similar purpose in any place of public resort, pin alleys and ball alleys.

Disorderly
houses.

Forty-fifth—To suppress bawdy and disorderly houses, houses of ill-fame or assignation, within the limits of the city, and within three miles of the outer boundaries of the city; and also to suppress gaming and gambling houses, lotteries, and all fraudulent devices and practices for the purpose of gaming or obtaining money or property; and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations.

Intoxicating
liquors.

Forty-sixth—To license, regulate and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or

fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license: *Provided*, that the city council in cities, or president and board of trustees in villages, may grant permits to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance: *Provided, further*, that in granting licenses such corporate authorities shall comply with whatever general law of the state may be in force relative to the granting of licenses.

Forty-seventh—The foregoing shall not be construed to effect the provisions of the charter of any literary institution heretofore granted.

Forty eighth—And the city council in cities, and president and board of trustees in villages, shall also have the power to forbid and punish the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor to any minor, apprentice or servant, or insane, idiotic or distracted person, habitual drunkard, or person intoxicated.

Forty-ninth—To establish markets and market houses, and provide for the regulation and use thereof.

Fiftieth—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same.

Fifty-first—To prevent and punish forestalling and regrating.

Fifty-second—To regulate the sale of bread in the city or village; prescribe the weight and quality of the bread in the loaf.

Fifty-third—To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other provisions.

Fifty-fourth—To regulate the inspection, weighing and measuring of brick, lumber, fire wood, coal, hay, and any article of merchandise.

Fifty-fifth—To provide for the inspection and sealing of weights and measures.

Fifty-sixth—To enforce the keeping and use of proper weights and measures by vendors.

Fifty-seventh—To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

Fifty-eighth—To regulate places of amusement.

Fifty-ninth—To prevent intoxication, fighting, quarreling, dog fights, cock fights, and all disorderly conduct.

Sixtieth—To regulate partition fences and party walls.

Sixty-first—To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and construction of fire escapes therein.

Fire limits.

Sixty-second—The city council and the president and trustees in villages, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or placed or repaired, without permission, and to direct that all and any buildings within the fire limits, when the same shall have been damaged by fire, decay or otherwise, to the extent of fifty per cent. of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

Prevention of fires.

[Sixty-third]—To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building and manufactory, and to cause the same to be removed or placed in a safe condition, when considered dangerous. To regulate and prevent the carrying on of manufactories, dangerous in causing and promoting fires. To prevent the deposit of ashes in unsafe places, and to cause all such buildings and inclosures as may be in a dangerous state to be put in a safe condition.

Sixty-fourth—To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other implements for prevention and extinguishment of fires, and provide for the use and management of the same by voluntary fire companies or otherwise.

Storage of combustibles.

Sixty-fifth—To regulate and prevent storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops and other places, and the building of bonfires; also to regulate and restrain the use of fireworks, firecrackers, torpedoes, Roman candles, sky-rockets, and other pyrotechnic displays.

Sixty-sixth—To regulate the police of the city or village, and pass and enforce all necessary police ordinances.

Sixty-seventh—To provide for the inspection of steam boilers.

Sixty-eighth—To prescribe the duties and powers of a superintendent of police, policemen and watchmen.

Calabooses.

Sixty-ninth—To establish and erect calabooses, bridewells, houses of correction and workhouses, for the reformation and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any city or village ordinance, and make rules and regulations for the government of the same, and appoint necessary keepers and assistants.

Seventieth—To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the county board.

Seventy-first—To provide by ordinance in regard to the relation between all the officers and employes of the cor-

poration in respect to each other, the corporation and the people.

Seventy-second—To prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies in any public or private place.

Seventy-third—To prohibit and punish cruelty to animals.

Seventy-fourth—To restrain and punish vagrants, mendicants and prostitutes.

Seventy-fifth—To declare what shall be a nuisance, and to abate the same; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

Seventy-sixth—To appoint a board of health, and prescribe its powers and duties.

Seventy-seventh—To erect and establish hospitals and medical dispensaries, and control and regulate the same.

Seventy-eighth—To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Seventy-ninth—To establish and regulate cemeteries with-
in or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation. Cemeteries.

Eightieth—To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs.

Eighty-first—To direct the location and regulate the management and construction of packing houses, renderies, tallow chandleries, bone factories, soap factories and tanneries, within the limits of the city or village, and within the distance of one mile without the city or village limits. Packing houses, etc.

Eighty-second—To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops and founderies within the limits of the city or village.

Eighty-third—To prohibit any offensive or unwholesome business or establishment within or within one mile of the limits of the corporation.

Eighty-fourth—To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

Eighty-fifth—The city council or trustees of a village shall have power to provide for the taking of the city or village census; but no city or village census shall be taken by authority of the council or trustees oftener than once in three years. Census.

Eighty-sixth—To provide for the erection and care of all public buildings necessary for the use of the city or village.

Eighty-seventh—To establish ferries, toll bridges, and license and regulate the same, and, from time to time, fix tolls thereon.

Eighty-eighth—To authorize the construction of mills, mill-races and feeders on, through or across the streets of the city or village, at such places and under such restrictions as they shall deem proper.

Streets and
sewers.

Eighty-ninth—The city council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right of way, or land of any railroad company (within the corporate limits); but where no compensation is made to such railroad company, the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

Railroad tracks.

Ninetieth—The city council or board of trustees shall have no power to grant the use of, or the right to lay down, any railroad tracks in any street of the city, to any steam or horse railroad company, except upon a petition of the owners of the land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes.

Ninety-first—To tax, license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers and brokers.

Ninety-second—To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Ninety-third—To regulate and prohibit the keeping of any lumber yard, and the placing or piling or selling any lumber, timber, wood or other combustible material, within the fire limits of the city.

Ninety-fourth—To provide, by ordinance, that all the paper, printing, stationery, blanks, fuel, and all the supplies needed for the use of the city, shall be furnished by contract, let to the lowest bidder.

Ninety-fifth—To tax, license and regulate second-hand and junk stores, and to forbid their purchasing or receiving from minors, without the written consent of their parents or guardians, any article whatsoever.

Fines and pen-
alties.

Ninety-sixth—To pass all ordinances, rules, and make all regulations, proper or necessary, to carry into effect the powers granted to cities or villages, with such fines or penalties as the city council or board of trustees shall deem proper: *Provided*, no fine or penalty shall exceed two hundred dollars (\$200), and no imprisonment shall exceed six months for one offense.

§ 2. The style of the ordinances in cities shall be : "Be it ordained by the City Council of....." Style of ordinances.

§ 3. All ordinances of cities and villages imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, shall, within one month after they are passed, be published at least once in a newspaper published in the city or village, or, if no such newspaper is published therein, by posting copies of the same in three public places in the city or village ; and no such ordinance shall take effect until ten days after it is so published ; and all other ordinances, orders and resolutions shall take effect from and after their passage, unless otherwise provided therein. Ordinances to be published.

§ 4. All ordinances, and the date of publication thereof, may be proven by the certificate of the clerk, under the seal of the corporation ; and when printed in book or pamphlet form, and purporting to be published by authority of the board of trustees or the city council, the same need not be otherwise published ; and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof. Certificate of clerk.

§ 5. All actions brought to recover any fine, or to enforce any penalty, under any ordinance of any city or village, shall be brought in the corporate name of the city or village as plaintiff ; and no prosecution, recovery or acquittal, for the violation of any such ordinance, shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate. Actions.

§ 6. All fines and forfeitures for the violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance. Fines.

§ 7. In all actions for the violation of any ordinance, the first process shall be a summons: *Provided, however,* that a warrant for the arrest of the offender may issue in the first instance upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof, and any person arrested upon such warrant shall, without unnecessary delay, be taken before the proper officer to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work-house, house of correction, or other place provided by the city or village for the incarceration of offenders, until such fine, penalty and Process.

Term of imprisonment. cost shall be fully paid: *Provided*, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees shall have power to provide, by ordinance, that every person so committed shall be required to work for the corporation, at such labor as his or her strength will permit, within and without such prison, work-house, house of correction, or other place provided for the incarceration of such offenders, not exceeding ten hours each working day, and for such work the person so employed to be allowed, exclusive of his or her board, two dollars per day for each day's work on account of such fine and cost.

Justices of the peace. § 8. Any and all justices of the peace and police magistrates shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof.

Constable or sheriff. § 9. Any constable or sheriff of the county may serve any process, or make any arrests authorized to be made by any city officer.

Jurisdiction. § 10. The city or village government shall have jurisdiction upon all waters within or bordering upon the same, to the extent of three miles beyond the limits of the city or village, but not to exceed the limits of the state.

ARTICLE VI.

OFFICERS—THEIR POWERS AND DUTIES.

Officers. SECTION 1. There shall be elected, in all cities organized under this act, the following officers, viz: a mayor, a city council, a city clerk, city attorney, and a city treasurer.

Council may provide for election. § 2. The city council may, in its discretion, from time to time, by ordinance passed by a vote of two thirds of all the aldermen elected, provide for the election by the legal voters of the city, or the appointment by the mayor, with the approval of the city council, of a city collector, a city marshal, a city superintendent of streets, a corporation counsel, a city comptroller, or any or either of them, and such other officers as may by said council be deemed necessary or expedient. The city council may, by a like vote, by ordinance or resolution, to take effect at the end of the then fiscal year, discontinue any office so created, and devolve the duties thereof on any other city officer; and no officer, filling any such office so discontinued, shall have any claim against the city on account of his salary, after such discontinuance. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, and the observance and enforcement of the ordinances and laws; he shall possess the power and authority of a constable at common law, and under the statutes of this state.

§ 3. All officers of any city, except where herein otherwise provided, shall be appointed by the mayor (and vacancies in all officers except the mayor and aldermen shall be filled by like appointment) by and with the advice and consent of the city council. The city council may, by ordinance not inconsistent with the provisions of this act, prescribe the duties and define the powers of all such officers, together with the term of any such office: *Provided*, the term shall not exceed two years. Appointed by mayor.

§ 4. All officers of any city or village, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation: Oath of officers.

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of according to the best of my ability.

Which oath or affirmation, so subscribed, shall be filed in the office of the clerk; and all such officers, except aldermen and trustees, shall, before entering upon the duties of their respective offices, execute a bond with security, to be approved by the city council or board of trustees, payable to the city or village, in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to law and the ordinances of said city or village: *Provided, however*, that in no case shall the mayor's bond be fixed at a less sum than three thousand dollars (\$3,000), nor shall the treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year; which bonds shall be filed with the clerk (except the bond of the clerk, which shall be filed with the treasurer). Bond.

§ 5. All officers elected or appointed under this act (except the clerk, aldermen and mayor, and trustees,) shall be commissioned by warrant, under the corporate seal, signed by the clerk and the mayor or presiding officer of the city council or board of trustees. The mayor or president of the board of trustees shall issue a certificate of appointment or election, under the seal of the corporation, to the clerk thereof, and any person having been an officer of the city or village, shall, within five days after notification and request, deliver to his successor in office all property, books and effects of every description in his possession, belonging to the city or village, or appertaining to his said office; and upon his refusal to do so, shall be liable for all the damages caused thereby, and to such penalty as may by ordinance be prescribed. To be commissioned.

§ 6. No person shall be eligible to any office who is not a qualified elector of the city or village, and who shall not Eligibility to office.

have resided therein at least one year next preceding his election or appointment, nor shall any person be eligible to any office who is a defaulter to the corporation.

Contracts.

§ 7. No officer shall be directly or indirectly interested in any contract, work or business of the city, or the sale of any article, the expense, price or consideration of which is paid from the treasury, or by any assessment levied by any act or ordinance; nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation.

Gifts and promises.

§ 8. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered or given to any member of the city council or board of trustees, or any officer of the corporation, after or before his election or appointment as such officer, any moneys, goods, right in action, or other property or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in the penitentiary for a term not exceeding two years, or shall be fined not exceeding five thousand dollars, or both, in the discretion of the court. Every officer who shall accept any such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the city or village, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding five thousand dollars, or both, in the discretion of the court. Every person offending against either of the provisions of this section, shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or in any court in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

Competent witnesses.

§ 9. No mayor, alderman, city clerk, or treasurer, shall hold any other office under the city government, during his term of office.

Corporate seal.

§ 10. The clerk shall keep the corporate seal, to be provided under the direction of the city council or board of trustees, and all papers belonging to the city or village; he

shall attend all meetings of the city council or board of trustees, and keep a full record of its proceeding in the journal; and copies of all papers duly filed in his office, and transcripts from the journals and other records and files of his office, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced.

§ 11. The clerk shall record, in a book to be kept for that purpose, all ordinances passed by the city council or board of trustees, and at the foot of the record of each ordinance so recorded, shall make a memorandum of the date of the passage and of the publication or posting of such ordinance, which record and memorandum, or a certified copy thereof, shall be *prima facie* evidence of the passage and legal publication or posting of such ordinances for all purposes whatsoever. Record of ordinances.

§ 12. The trustees in villages, the mayor, aldermen, and the marshal and his deputies, policemen and watchmen, in cities, if any such be appointed, shall be conservators of the peace; and all officers created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city or village, or any criminal law of the state, commit for examination, and if necessary, detain such persons in custody over night or Sunday in the watch-house, or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise such other powers, as conservators of the peace, as the city council or board of trustees may prescribe. Conservators of the peace.

§ 13. The mayor of any city shall receive such compensation as the city council may by ordinance direct, but his compensation shall not be changed during his term of office. Compensation of mayor.

§ 14. The aldermen and trustees may receive such compensation for their services as shall be fixed by ordinance: *Provided, however,* such compensation shall not exceed three dollars to each alderman or trustee for each meeting of the city council, or board of trustees, actually attended by him, and no other compensation than for attendance upon such meetings shall be allowed to any alderman or trustee for any services whatsoever. Such compensation shall not be changed, after it has been once established, so as to take effect as to any alderman or trustee voting for such change, during his term of office. Compensation of aldermen.

§ 15. All other officers may receive a salary, fees, or other compensation to be fixed by ordinance, and after the same has been once fixed, such fees or compensation shall not be increased or diminished, to take effect during the term for which any such officer was elected or appointed; and every such officer shall make and return to the mayor or president of the board of trustees, a semi-annual report, Salaries.

verified by affidavit, of all such fees and emoluments received by him.

To administer oaths.

§ 16. The mayor of any city, and the clerk of any city or village, shall have power to administer oaths and affirmations upon all lawful occasions.

ARTICLE VII.

OF FINANCE.

Fiscal year.

SECTION 1. The fiscal year of each city or village organized under this act, shall commence at the date established by law for the annual election of municipal officers therein, or at such other times as may be fixed by ordinance.

Annual appropriation bill.

§ 2. The city council of cities, and board of trustees in villages shall, within the first quarter of each fiscal year, pass an ordinance, to be termed the annual appropriation bill, in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation; and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city or village, either by a petition signed by them, or at a general or special election duly called therefor.

Additions to expenditures.

§ 3. Neither the city council nor the board of trustees, nor any department or officer of the corporation, shall add to the corporation expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill: *Provided, however,* that nothing herein contained shall prevent the city council or board of trustees from ordering, by a two-thirds vote, any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The city council or board of trustees may, by a like vote, order the mayor or president of the board of trustees and finance committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as is last above mentioned, for a space of time not exceeding the close of the next fiscal year— which sum, and the interest, shall be added to the amount

authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the corporation, the mayor, or president of the board of trustees and finance committee, under the sanction of the city council or board of trustees, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year—which sum and interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year, and embraced therein. Judgments.

§ 4. No contract shall be hereafter made by the city council or board of trustees, or any committee or member thereof; and no expense shall be incurred by any of the officers or departments of the corporation, whether the object of the expenditure shall have been ordered by the city council or board of trustees or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided. Contracts and expenses.

§ 5. The treasurer shall receive all moneys belonging to the corporation, and shall keep his books and accounts in such manner as may be prescribed by ordinance, and such books and accounts shall always be subject to the inspection of any member of the city council or board of trustees. Treasurer.

§ 6. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto. Accounts.

§ 7. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and upon what account paid; and he shall also file copies of such receipts with the clerk, at the date of his monthly reports. Receipts.

§ 8. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the city council or board of trustees, or such officer as may be designated by ordinance (under oath), showing the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany such accounts with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him, which said warrants, with any and all vouchers held by him, shall be delivered to the clerk, and filed with his said account in the clerk's office, upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid." He shall keep a register of all warrants redeemed and paid, which shall describe such warrants, and show the date, amount, number, the fund from which paid, the name of the person to whom and when paid. Monthly statements.

§ 9. The treasurer may be required to keep all moneys in his hands, belonging to the corporation, in such place or places of deposit as may be designated by ordinance: *Provided, however,* no such ordinance shall be passed by which Depositories of moneys.

the custody of such money shall be taken from the treasurer and deposited elsewhere than in some regularly organized bank, nor without a bond to be taken from such bank, in such penal sum and with such security as the city council or board of trustees shall direct and approve, sufficient to save the corporation from any loss; but such penal sum shall not be less than the estimated receipts for the current year from taxes and special assessments levied, or to be levied, by the corporation. The treasurer shall keep all moneys belonging to the corporation in his hands separate and distinct from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office by the city council or board of trustees, who are hereby authorized to declare said office vacant; and in which case his successor shall be appointed, who shall hold his office for the remainder of the term unexpired of such officer so removed.

Reports of treasurer.

§ 10. The treasurer shall report to the city council or board of trustees, as often as required, a full and detailed account of all receipts and expenditures of the corporation, as shown by his books, up to the time of said report; and he shall, annually, between the first and tenth of April, make out and file with the clerk a full and detailed account of all such receipts and expenditures, and of all his transactions, as such treasurer, during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year; which account the clerk shall immediately cause to be published in a newspaper printed in such city, if there be one, and if not, then by posting the same in a public place in the clerk's office.

Warrants on treasury.

§ 11. All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn, except as hereinafter provided.

Special assessments.

§ 12. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse such corporation for money expended for such improvement.

CITY COLLECTOR.

Duties of the collector.

§ 13. It shall be the duty of the collector, when one is appointed, to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts

in such manner as the city council may prescribe. Such warrants, books, and all papers pertaining to his office, shall at all times be open to the inspection of and subject to the examination of the mayor, city clerk, any member of the council, or committee thereof. He shall weekly, and oftener if required by the council, pay over to the treasurer all moneys collected by him from any source whatever, taking such treasurer's receipt therefor, which receipt he shall immediately file with the city clerk; but the city clerk shall, at the time, or on demand, give such collector a copy of any such receipt so filed.

§ 14. He shall make a report, in writing, to the council, or any officer designated by the council, of all moneys collected by him, the account whereon collected, or of any other matter in connection with his office, when required by the council or by any ordinance of the city. He shall also, annually, between the first and tenth of April, file with the clerk a statement of all the moneys collected by him during the year, the particular warrant, special assessment or account on which collected, the balance of moneys uncollected on all warrants in his hands, and the balance remaining uncollected at the time of the return on all warrants which he shall have returned during the preceding fiscal year, to the city clerk. The city clerk shall publish or post the same, as hereinbefore required to be done in regard to the annual report of the treasurer.

Report of the collector.

§ 15. The collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation, to his use, beyond the time which may be prescribed for the payment of the same to the treasurer, and any violation of this provision will subject him to immediate removal from office.

Prohibited from retaining moneys.

§ 16. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or clerk, or any member of the city council; and the collector shall every two weeks, or oftener if the city council so direct, pay over all money collected by him from any person or persons, or associations, to the treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the clerk.

Mayor to examine papers, etc.

CITY COMPTROLLER.

§ 17. The city comptroller (if there shall be any city comptroller appointed, if not, then the clerk) shall exercise a general supervision over all the officers of the corporation charged in any manner with the receipt, collection, or disbursement of corporation revenues, and the collection and return of all such revenues into the treasury. He shall have the charge, custody and control of all deeds, leases, warrants, vouchers, books and papers of any kind, the custody

Duties.

Report of estimates.

and control of which is not herein given to any other officers; and he shall, on or before the fifteenth day of May, in each year, and before the annual appropriations to be made by the city council or board of trustees, submit to the city council or board of trustees a report of his estimates, as nearly as may be, of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, class the different objects and branches of expenditures, giving, as nearly as may be, the amount required for each; and for the purpose of making such report, he is authorized to require of all officers their statement of the condition and expenses of their respective offices or departments, with any proposed improvements and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year. He shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report he shall give such other information to the council or board of trustees as he may deem necessary, to the end that the city council or board of trustees may fully understand the money exigencies and demands upon the corporation for the current year.

Council to confer powers.

§ 18. When there shall be appointed in any city a comptroller, the city council may, by ordinance or resolution, confer upon him such powers, and provide for the performance of such duties by him, as the city council shall deem necessary and proper; and all the provisions of this act relating to the duties of city clerk, or the powers of city clerk in connection with the finances, the treasurer and collector, or the receipt and disbursements of the moneys of such city, shall be exercised and performed by such comptroller, if one there shall be appointed; and to that end and purpose, wherever in this act heretofore the word "clerk" is used, it shall be held to mean "comptroller;" and wherever the "clerk's office" is referred to, it shall be held to mean "comptroller's office"

Outstanding bonds.

§ 19. The comptroller, when there shall be a comptroller, and if not, then the clerk, shall keep in his office, in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, for and to whom the said bonds are issued; and when any city bonds are purchased, or paid, or canceled, said book or books shall show the fact; and in his annual report he shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.

GENERAL PROVISIONS.

§ 20. The collector and treasurer, and all other officers connected with the receipt and expenditure of money, shall perform such other duties, and be subject to such other rules and regulations, as the city council or board of trustees may, from time to time, by ordinance, provide and establish. Duties of officers.

§ 21. In the adjustment of the accounts of the collector or treasurer with the clerk (or comptroller if there shall be one), there shall be an appeal to the finance committee of the council or board of trustees, whose decision in all matters of controversy arising between said officers shall be binding, unless the city council or board of trustees shall otherwise direct and provide. Appeal to finance committee.

§ 22. The comptroller (if there shall be one), the clerk, treasurer and collector, shall, severally, appoint such various clerks and subordinates in their respective offices as the city council or board of trustees may authorize, and shall be held, severally, responsible for the fidelity of all persons so appointed by them. Clerks and subordinates.

§ 23. All corporations, companies or associations not incorporated under the laws of this state, engaged in any city in effecting fire insurance, shall pay to the treasurer the sum of two dollars upon the hundred dollars of the net receipts by their agency in such city, and at that rate upon the amount of all premiums which, during the half year ending on every first day of July and January, shall have been received for any insurance effected or agreed to be effected in the city or village, by or with such corporations, companies or associations, respectively. Insurance companies. Every person who shall act in any city or village as agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the fifteenth day of July and January, in each year, render to the comptroller (if any there be, if not, to the clerk,) a full, true and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire insurance. Agents. Such agents shall also pay over to the treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in any such

Penalty.

city or village, until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand dollars, or imprisoned not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of any such city or village, as for money had and received for its use: *Provided*, that this section shall only apply to such cities and villages as have an organized fire department, or maintain some organization for the prevention of fires.

ARTICLE VIII.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

Manner of assessment and collection.

SECTION 1. The city council in cities, and board of trustees in villages, may assess and collect taxes for corporate purposes, in the following manner: The city council or board of trustees, as the case may be, shall, on or before the second Tuesday in September in each year, ascertain the total amount of appropriations for all corporate purposes, legally made, and to be collected from the tax levy of that fiscal year, and by ordinance levy and assess such amount, so ascertained, upon the real and personal property within the city or village subject to taxation, as the same is assessed for state and county purposes for the current year. A certified copy of such ordinance shall be filed with the county clerk of the proper county, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within the city or village, as the same is assessed and equalized for state and county purposes, will produce a net amount not less than the amount so directed to be levied and assessed; and it shall be the duty of the county clerk to extend such tax, in a separate column, upon the book or books of the collector or collectors of state and county taxes within such city or village.

How collec'ed.

§ 2. The tax so assessed shall be collected and enforced in the same manner and by the same officers as state and county taxes, and shall be paid over by the officers collecting the same to the treasurer of the city or village.

Settlements with treasurer.

§ 5. It shall be the duty of the officer collecting such tax to settle with and pay over to such treasurer, as often as once in two weeks from the time he shall commence the collection thereof, all such taxes as he shall then have collected, till the whole tax collected shall be paid over.

§ 4. Whenever any city or village is required to levy a tax for the payment of any particular debt, appropriation or liability of the same, the tax for such purpose shall be included in the total amount assessed by the city council or board of trustees, and certified to the county clerk as aforesaid; but the city council or board of trustees shall determine, in the ordinance making such assessment, what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability; and the city or village treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation or liability, and shall not disburse the same for any other purpose until such debt, appropriation or liability shall have been discharged.

Particular debts
or liabilities.

§ 5. All taxes levied or assessed by any city or village, except special assessments for local improvements, shall be uniform upon all taxable property and persons within the limits of the city, and no property shall be exempt therefrom other than such property as may be exempt from taxation under the constitution and general laws of the state.

Taxes to be
uniform.

ARTICLE IX.

SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

SECTION 1. That the corporate authorities of cities and villages are hereby vested with power to make local improvements by special assessment or by special taxation, or both, of contiguous property, or general taxation, or otherwise, as they shall by ordinance prescribe.

Power to make.

§ 2. When any such city or village shall, by ordinance, provide for the making of any local improvement, it shall, by the same ordinance, prescribe whether the same shall be made by special assessment or by special taxation of contiguous property, or general taxation, or both.

Ordinances in
regard to.

§ 3. Should said ordinance provide for improvements which require the taking or damaging of property, the proceeding for making just compensation therefor shall be as follows:

Private pro-
perty.

§ 4. Whenever any such ordinance shall be passed by the legislative authority of any such city or village, for the making of any improvement mentioned in the first section of this act, or any other local improvement that such city or village is authorized to make, the making of which will require that private property be taken or damaged for public use, such city or village shall file a petition in some court of record of the county in which such city is situated, in the name of the city, praying that "the just compensation to be made for private property to be taken or damaged for the improvement or purpose specified in such ordinance shall be ascertained by a jury."

Proceeding.

Petition.

§ 5. Such petition shall contain a copy of the said ordinance, certified by the clerk, under the corporate seal; a reasonably accurate description of the lots, parcels of land, and property which will be taken or damaged, and the names of the owners and occupants thereof, so far as known to the board or officer filing the petition, and where any known owners are non-residents of the state, stating the fact of such non-residence.

Summons to parties defendant.

§ 6. Upon the filing of the petition aforesaid, a summons, which may be made returnable upon any day in term time, shall be issued and served upon the persons made parties defendant, as in cases in chancery. And in case any of them are unknown, or reside out of this state, or on due inquiry cannot be found, the clerk of the court, upon an affidavit being filed showing such fact, shall cause publication to be made in some newspaper printed in his county, or if there be no newspaper published in his county, then in some newspaper published in this state, containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons in the case, and the nature of said proceeding; such publication to be made for four weeks consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of such summons. Notices so given by publication shall be sufficient to authorize the court to hear and determine the suit, as though all parties had been sued by their proper names and had been personally served.

Notices.

Return of summons.

§ 7. Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition, and shall impanel a jury to ascertain the just compensation to be paid to all of such owners and occupants aforesaid.

Jury.

§ 8. Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land or property which may be taken or damaged by such improvement, whether or not such person's name, or such lot, parcel of land, or other property, is mentioned or described in such petition: *Provided*, such person shall first be admitted as a party defendant to said suit by such court, and shall file a statement of his interest in and description of the lot, parcel of land, or other property in respect to which he claims compensation.

Jury to view the premises.

§ 9. The court may, upon the motion of such city or village, or of any person claiming any such compensation, direct that said jury (under the charge of an officer of the court) shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement.

Upon return of verdict.

§ 10. Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judg-

ment or decree thereon as the nature of the case may require. The court shall continue or adjourn the cause, from time to time, as to all occupants and owners named in such petition who shall not have been served with process, or brought in by publication, and shall order a new summons to issue and new publication to be made; and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to such defendant or defendants, for private property taken or damaged; and like proceeding shall be had for such purpose as hereinbefore provided for the ascertaining of compensation to other owners.

§ 11. The court shall have power, at any time, upon proof that any such owner or owners named in such petition, who has not been served with process, has ceased to be such owner or owners since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which had been owned by the person or persons so ceasing to own the same; and the court may, upon any finding or findings of any jury or juries, or at any time during the course of such proceedings, enter such order, rule, judgment or decree as the nature of the case may require.

Where owner has ceased to be owner.

§ 12. No delay in making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may impanel a jury and ascertain the entire compensation or damage that should be paid for the property, or part of property, and the entire interests of all parties therein, and may require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

Delay in making assessment

§ 13. When it shall appear, from said petition or otherwise, at any time during the proceedings upon such petition, that any infant, or insane or distracted person, is interested in any property that is to be taken or damaged, the court shall appoint a guardian, *ad litem*, for such infant or insane or distracted person, to appear and defend for him, her or them; and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant, or insane or distracted person, in such property, or the compensation which shall be awarded therefor.

Interest of infants and insane persons.

§ 14. Any final judgment or judgments rendered by said court, upon any finding or findings of any jury or juries, shall be a lawful and sufficient condemnation of the land or property to be taken upon the payment of the amount of such finding as hereinafter provided. It shall be

Final judgments

final and conclusive as to the damages caused by such improvement, unless such judgment or judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if such city or village shall deposit, as directed by the court, the amount of the judgment and costs, and shall file a bond in the court in which such judgment was rendered, in a sum to be fixed and with security to approved by the judge of said court, which shall secure the payment of any future compensation which may at any time be finally awarded to such party so appealing or suing out such writ of error, and his or her costs.

When compensation is paid.

§ 15. The court, upon proof that said just compensation so found by the jury has been paid to the person entitled thereto, or has been deposited as directed by the court (and bond given, in case of any appeal or writ of error), shall enter an order that the city or village shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which such compensation shall have been so paid or deposited, as aforesaid.

Cost of improvement.

§ 16. When the ordinance under which said improvement is ordered to made shall provide that such improvement shall be made by general taxation, the cost of such improvement shall be added to the general appropriation bill of such city or village, and shall be levied and collected with and as a part of the general taxes of such city or village.

When made by special tax.

§ 17. When said ordinance under which said local improvement shall be ordered shall provide that such improvement shall be made by special taxation of contiguous property, the same shall be levied, assessed and collected in the way provided in the sections of this act providing for the mode of making, levying, assessing and collecting special assessments.

SPECIAL ASSESSMENT.

Proceedings for making.

§ 18. When the ordinance under which said local improvement is ordered to be made shall provide that such improvement shall be wholly or in part made by special assessment, the proceedings for the making such special assessment shall be in accordance with the sections of this act from eighteen to fifty-one, inclusive.

Ordinances to specify improvements.

§ 19. Whenever such local improvements are to be made wholly or in part by special assessment, the said council in cities, or board of trustees in villages, shall pass an ordinance to that effect, specifying therein the nature, character, locality and description of such improvement: *Provided*, that whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be

allowed fifteen days after the time at which such ordinance shall take effect in which to build or renew such sidewalk opposite his land, and thereby relieve the same from assessment: *Provided*, that the work so to be done shall in all respects conform to the requirements of such ordinance.

§ 20. The city council or board of trustees shall appoint three of its members, or any other three competent persons, who shall make an estimate of the cost of the improvement contemplated by such ordinance, including labor, materials, and all other expenses attending the same, and the cost of making and levying the assessment, and shall report the same in writing to said council or board of trustees. Estimate of
cost of improve-
ment.

§ 21. On such report being made, and approved by the council or board of trustees, as the case may be, it may order a petition to be filed by such officer as it shall direct, in the county court of its county, for proceedings to assess the cost of such improvement in the manner provided in this act. When report
is approved.

§ 22. The petition shall be in the name of the corporation, and shall recite the ordinance for the proposed improvement, and the report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by law. Petition.

§ 23. Upon the filing of such petition the court shall appoint three competent persons as commissioners, who shall take and subscribe an oath, in substance as follows, to-wit: Commissioners.

STATE OF ILLINOIS, }
.....County. } ss.

We, the undersigned, commissioners, appointed by the county court of..... county, to assess the cost of.... (here state in general terms the improvement), do solemnly swear (or affirm, as the case may be,) that we will a true and impartial assessment make of the cost of said improvement upon the city (or village) of, and the property benefited by such improvement, to the best of our ability, and according to law. Oath.

§ 24. It shall be the duty of such commissioners to examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts and parcels of lands that will be specially benefited thereby, and to estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefited; and apportion the same between the city or village, and such property, so that each shall bear its relative equitable proportion; and having found said amounts, to apportion and assess the amount so found to be of benefit to the property, upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by such improvement: *Provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefited. Duties of com-
missioners.

§ 25. They shall also make or cause to be made a map showing the lots, blocks, tracts and parcels of land which Map.

they shall find will be benefited by the proposed improvement, and shall mark upon each lot, block, tract or parcel of land shown by such map the amount they shall find to be its proportion of the cost of such improvement.

Assessment roll.

§ 26. They shall also make or cause to be made an assessment roll, in which shall appear the names of the owners, so far as known, a description of each lot, block, tract or parcel of land, and the amount assessed as special benefits thereto; and in which they shall set down as against the city or village the amount they shall have found as public benefit, and certify such assessment roll, with said map, to the court by which they were appointed, at least ten days before the first day of the term at which a final hearing thereon shall be had.

Notice, manner of giving.

§ 27. It shall also be the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon will be had, in the following manner:

First—They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, or, upon diligent inquiry, can be ascertained, a notice substantially in the following form:

Mr. :

Your (here give a short description of the premises), is assessed \$. for public improvement. The assessment roll will be returned to the.... term of the county court of... .. county.

(Here give date.)

..... }
..... } Commissioners.
..... }

Second—They shall cause at least ten days' notice to be given by posting notices in [at] least four public places in such city or village, two of which shall be in the neighborhood of such proposed improvement, and when a daily newspaper is published in the county of such city or village, by publishing the same at least five successive days in a daily newspaper published in such county; or if no daily newspaper is published in such county, and a weekly newspaper is published therein, then at least once in each week for two successive weeks, always preferring a newspaper published in such city or village, if there is one. The notice may be substantially as follows:

SPECIAL ASSESSMENT NOTICE.

Notice is hereby given to all persons interested, that the city council (or board of trustees, as the case may be,) of, having ordered that (here insert the description and nature of improvements substantially as in ordinance), have applied to the county court of county for an assessment of the cost of said improvements according to benefits; and an assessment thereof having been made and returned to said court, the final hearing thereon will be had at the term of said court, commencing on the ... day of, A. D. 18... All persons desiring may then and there appear and make their defense.

(Here give date.)

..... }
..... } Commissioners.
..... }

§ 28. On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said court, stating they have sent or caused to be sent by mail to the owners whose premises have been assessed, and whose names and places of residence are known to them, or, upon diligent inquiry, could be ascertained, the notice hereinbefore required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notices required by this act to be posted, setting forth when, and in what manner the same were posted. Such affidavits shall be received as *prima facie* evidence of a compliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notice in like manner as is required in other cases of publication of notices.

Affidavit of
commissioners.

§ 29. If ten days shall not have elapsed between the first publication, or the putting up of such notices, and the first day of the next term of such court, the hearing shall be continued until the next term of court.

Continuance.

§ 30. Any person interested in any real estate to be affected by such assessment, may appear and file objections to such report, and the court may make such order in regard to the time of filing such objections as may be made in cases at law in regard to the time of filing pleas. As to all lots, blocks, tracts and parcels of land to the assessment of which objections are not filed within the time ordered by the court, default may be entered, and the assessment confirmed by the court.

Objections to
report.

§ 31. On the hearing, the report of the commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the cost of the improvement, the jury shall so find, and also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.

Evidence.

§ 32. The hearing in all cases arising under this act shall have precedence over all other cases in such court, except criminal cases.

Precedence.

§ 33. The court before which any such proceeding may be pending, shall have authority, at any time before final adjournment, to modify, alter, change, annul or confirm any assessment returned, as aforesaid, or cause any such assessment to be recast by the same commissioners whenever it shall be necessary for the attainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed, for the purpose of making such assessment, or modifying, altering, changing or recasting the same, and may take all such proceedings

Court may
modify or
change assess-
ment.

and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement according to the principles of this act, and may from time to time, as may be necessary, continue the application for that purpose as to the whole or any part of the premises.

Judgment of
the court.

§ 34. The judgment of the court shall have the effect of a several judgment as to each tract or parcel of land assessed, and any appeal from such judgment or writ of error shall not invalidate or delay the judgment, except as to the property concerning which the appeal or writ of error is taken. Such judgment shall be a lien upon the property assessed, from the date thereof until payment shall be made.

Clerk to certify
judgment.

§ 35. The clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment to the clerk of such city or village, or if there has been an appeal or writ of error taken on any part of such judgment, then he shall certify such part of the judgment as is not included in such appeal or writ of error. The clerk of the city or village shall file such certificate in his office, and issue a warrant for the collection of such assessment.

Warrant for
collection

§ 36. The warrant in all cases of assessment under this act shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed, and the respective amounts assessed on each lot, block, tract or parcel of land, and shall be delivered to the officer authorized to collect such special assessments. Such warrant shall give sufficient authority to collect the assessments therein specified.

Collector to
give notice.

§ 37. The collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in such city or village, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places along the line of the proposed improvement. Such notice may be substantially in the following form:

Notice.

SPECIAL ASSESSMENT NOTICE. SPECIAL WARRANT NO. —.

Public notice is hereby given that the (here insert title of court) has rendered judgment for a special assessment upon property benefited by the following improvement: (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the judgment on file in the office of the clerk of the city (or village) of; that a warrant for the collection of such assessments is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amounts assessed, at the collector's office (here insert location of office), within thirty days from the date hereof.

Dated this day of, A. D. 18..

....., Collector.

Duties of the
collector.

§ 38. It shall be the duty of the collector into whose hands the warrant shall so come, as far as practicable, to call upon all persons resident within the corporation whose names appear on the assessment roll, or the occupants of

the property assessed, and personally, or by written or printed notice left at his or her usual place of abode, inform them of such assessment, and request payment of the same. Any such collector omitting so to do shall be liable to a penalty of ten dollars for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment for any such special [assessment], shall not be affected by such omission. It shall be the duty of such collector to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and post office address of the person making the payment, and date of payment.

§ 39. It shall be the duty of the collector of special assessments, within such time as the city council or board of trustees may by ordinance provide, to make a report in writing—to the general officer of the county authorized, or to be designated by the general revenue law of this state, to apply for judgment and sell lands for taxes due the county and state—of all the lands, town lots and real property on which he shall have been unable to collect special assessments, with the amount of special assessments due and unpaid thereon, together with his warrant, or with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report shall be accompanied with the oath of the collector that the list is a correct return and report of the lands, town lots and real property on which the special assessments levied by authority of the city of . . . (or village of . . . , as the case may be,) remain due and unpaid; that he is unable to collect the same or any part thereof, and that he has given the notice required by law that said warrants had been received by him for collection. Said report, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making said return have been complied with, and that the special assessments mentioned in said report are due and unpaid. And, upon the application for judgment upon such assessment, no defense or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof.

Collector to
make report.

§ 40. When said general officer shall receive the report provided for in the preceding section, he shall at once proceed to obtain judgment against said lots, parcels of land and property for said special assessments remaining due and unpaid, in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county and state; and shall in the same manner proceed to sell the same for the said special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be gov-

Unpaid assessments.

erned by the general revenue laws of this state, except when otherwise provided herein.

Redemption.

§ 41. After making said sales, the list of lots, parcels of land and property sold thereat shall be returned to the office of the county clerk, and redemption may be made as provided for by the general revenue law of the state.

When taxes
paid are ret-urn-
ed as unpaid.

§ 42. If the collector shall receive any moneys for taxes or assessments, giving a receipt therefor for any land or parcel of land, and afterwards return the same as unpaid to the state officers authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchasers at the sale, for double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovered in any court having jurisdiction of the amount; and the city or village shall, in no case, be liable to the holder of such certificate.

Collector to pay
over money.

§ 43. The collector or collectors, and the general officer aforesaid, to whom the said warrant shall be returned, shall pay over to the city or village treasurer to which it shall belong all moneys collected by them, respectively, upon or by virtue of such warrant, or upon any sale for taxes or otherwise, at such time or times, and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinances of the city or village may provide, except when such compensation is fixed by general law.

General laws
applicable.

§ 44. The general revenue laws of this state, in reference to proceedings to recover judgments for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessment.

Cities and vil-
lages may pur-
chase.

§ 45. Any city or village interested in the collection of any tax or special assessment, may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more city or village officers to attend such sales, and bid thereat in behalf of the corporation.

New assess-
ments.

§ 46. If any assessment shall be annulled by the city council or board of trustees, or set aside by any court, a new assessment may be made and returned, and like notice given and proceedings had, as herein required in relation to the first; and all parties in interest shall have the like rights, and the city council or board of trustees and court shall perform like duties and have like power in rela-

tion to any subsequent assessment, as are hereby given in relation to the first assessment.

§ 47. If, in any case, the first assessment prove insufficient, a second may be made in the same manner, as nearly as may be, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall, at any time, be raised, the excess shall be refunded ratably to those by whom it was paid. Second assessments.

§ 48. If, from any cause, any city or village shall fail to collect the whole or any portion of any special assessment which may be levied, which shall not be canceled and set aside by the order of any court, for any public improvement authorized to be made and paid for by special assessment, the city council or board of trustees may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment— which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payment shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the city council or board of trustees may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been encumbered, subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements, to be paid for by a special assessment, a charge upon the property assessed therefor, for the full period of five years, from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment ordered within that period. Failure to collect.

§ 49. All persons taking any contracts with the city or village, and who agree to be paid from special assessments, shall have no claim or lien upon the city or village in any event, except from the collections of the special assessments made for the work contracted for. Contracts.

§ 50. All contracts for the making of any public improvement, to be paid for in whole or in part by a special assessment, and any work or other public improvement, when the expense thereof shall exceed five hundred dollars, shall be let to the lowest responsible bidder, in the manner to be prescribed by ordinance—such contracts to be approved by the mayor or president of the board of trustees: To be let to lowest bidder.

Provided, however, any such contract may be entered into by the proper officer without advertising for bids, and without such approval, by a vote of two-thirds of all the aldermen or trustees elected.

Special assessments to be liens.

§ 51. All special assessments levied by any city or village under this act, shall, from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special assessments are paid. And the same proceedings may be resorted to by the collector, upon any warrant or order issued or made for the collection of special assessments, as in the case of the collection of state and county taxes under the general laws of the state.

Suits by collector.

§ 52. At any time after the same becomes due, it shall and may be lawful for any collector thereof to commence suit in any court of record, in the corporate name of such city or village, against any person or persons, for the total amount of special assessments which such person or persons are liable for the payment of. Such suit shall be commenced by petition, and shall state the several amounts of the special assessments sought to be recovered, and give a general description of the warrant or warrants issued for the collection thereof. Upon the filing of the petition a summons shall be issued, served and returned as in other suits in such court. Upon the return of such summons, duly served, the court shall forthwith proceed to the hearing of said petition without formal pleadings, and may render judgment for all or any part of the special assessments, as the right and justice of the case may require. The original, or a certified copy (by the clerk, under the corporate seal,) of such warrant or warrants and list or lists, or so much thereof as refers to the special assessments sought to be recovered, shall be *prima facie* evidence of the right of said collector to a judgment in favor of such corporation. Execution shall issue on such judgment as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the court, in which such proceedings were had, may, upon complaint of the city or village, issue a *scire facias* against the person or persons liable for such payment, to show cause why execution should not issue against him or them for the amount of such assessment; and if, upon the return of such *scire facias*, good cause is not shown why execution should not issue, the court may award execution against such person or persons in the usual form of execution upon judgments at law.

Compensation for property taken.

§ 53. Whenever any city or village shall apply to any court for the purpose of making just compensation for property taken or damaged by such proceedings as are authorized by this act, such city or village may file in the same proceeding a supplemental petition, praying the court to

cause that an assessment be made for the purpose of raising the amount necessary to pay the compensation and damages which may be awarded for the property taken or damaged, with the costs of the proceeding, and when it may be desirable so to do, also including the cost of making the improvement for which the property is taken or damaged. When such supplemental petition is filed, like proceedings shall be had, and the assessment made, collected and enforced in the same manner, as near as may be, as is provided in this article in other cases.

§ 54. Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this article without adopting the whole of this act; and where it shall have so adopted this article, it shall have the right to take all proceedings in this article provided for, and have the benefit of all the provisions hereof. Part of act may be adopted.

ARTICLE X.

(MISCELLANEOUS PROVISIONS.)—WATER.

SECTION 1. The city council or board of trustees shall have power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of wells, pumps, cisterns, reservoirs or water works, and to borrow money therefor, and to authorize any person or private corporation to construct and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of water; to prevent the pollution of the water, and injuries to such wells, pumps, cisterns, reservoirs or water works. Water.

§ 2. For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise; shall have power to take and condemn all necessary lands or property therefor, in the manner provided for the taking or injuring private property for public uses; and the jurisdiction of the city or village to prevent or punish any pollution or injury to the stream or source of water, or to such water works, shall extend five miles beyond its corporate limits, or so far as such water works may extend. Water works.

§ 3. The city council or board of trustees shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of said city or village, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water works, and for the levying and collecting of any water taxes, rates or assessments, as the said city council or board of trustees may deem necessary and expedient; and such water taxes, rents, rates or assess- Rules and regulations, use of water.

ments may be levied or assessed upon any lot or parcel of ground, having a building or buildings thereon, which shall abut or join any street, avenue or alley in such city or village through which the distributing pipes of such water works (if any) of said city or village are or may be laid, which can be conveniently supplied with water from said pipes: *Provided*, the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings situated thereon, and such lien or charge may be collected or enforced in such manner as the city council may, by ordinance, prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of such water works, and appropriate money therefor.

Suits against
tax payers.

§ 4. A suit may be brought by any taxpayer, in the name and for the benefit of the city or village, against any person or corporation, to recover any money or property belonging to the city or village, or for any money which may have been paid, expended, or released without authority of law: *Provided*, that such taxpayer shall file a bond for all costs, and be liable for all costs in case the city or village be cast in the suit, and judgment shall be rendered accordingly.

Maps and plats.

§ 5. The city council or board of trustees shall have power to provide, by ordinance, that any map, plat, or subdivision of any block, lot, sub-lot, or part thereof, or of any piece or parcel of land, shall be submitted to the city council or board of trustees, or to some officer to be designated by such council or board of trustees, for their or his approval; and in such cases no such map, plat, or subdivision shall be entitled to record in the proper county, or have any validity until it shall have been so approved.

Competency of
freeholders.

§ 6. No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant or freeholder in said city or village, in any action or proceeding in which said city or village may be a party in interest.

Census.

§ 7. Whenever in this act any provision thereof is based upon the number of inhabitants, [the number of inhabitants] of the city or village shall be determined by reference to the latest census taken by authority of the United States or this state, or of such city or village; and it shall be the duty of the secretary of state, upon the publication of any state or United States census, to certify to each city or village the number of inhabitants, as shown by such census. Any city or village may, by ordinance, provide for the taking of a census of the population thereof, in order to determine the number of such population for any and all purposes of this act. And the several courts in this state shall take judicial notice of the population of any city or village, as the same may

appear from the latest federal, state, city or village census so taken.

§ 8. The term "municipal year" shall be construed to mean the period elapsing between the regular annual elections, unless otherwise provided by ordinance. Municipal year.

§ 9. When in any suit the city or village prays an appeal from the judgment of any court of this state to a higher court, it shall not be required to furnish an appeal bond. Appeal.

ARTICLE XI.

OF THE ORGANIZATION OF VILLAGES.

SECTION 1. Any town in this state incorporated either under any general law for the incorporation of towns, and acts amendatory thereof, or under any special act for the incorporation of any town or village, may become organized as a village, under this act, in the manner following : Towns may organize as villages.
Whenever any thirty voters in such town shall petition the president and trustees thereof to submit the question whether such town will become organized as a village, under this act, to the decision of the legal voters thereof, it shall be the duty of such president and trustees to submit the same accordingly; and to fix a time and place within such town for holding such election; and to appoint the judges to hold such election; and to give notice of the time, place and purpose of such election by causing at least five notices thereof to be posted in public places in such town, for at least fifteen days prior to holding such election.

§ 2. Each qualified voter, resident within such town or proposed village, shall have the right to cast a ballot at such election, with the words thereon, "For village organization under the general law," or "Against village organization under the general law." Voters.

§ 3. The judges of such election shall make returns thereof to the president and trustees of the town, as soon as practicable after such election is held; and it shall be the duty of the president and trustees to canvass such returns, and cause a statement of the result of such election to be entered upon the records of the town. Returns of election.

§ 4. If a majority of the votes cast at such election are for village organization under the general law, such town shall, from thenceforth, be deemed to be duly incorporated as a village under this act; but the town officers then in office shall continue as like officers of such village until their successors shall be elected or appointed under the provisions of this act. Officers to continue in office.

§ 5. Whenever any area of contiguous territory, not exceeding two square miles, shall have resident thereon a population of at least three hundred inhabitants, and which territory is not included within the limits of any incorpor- Territory now organized.

ated town, village or city, the same may become incorporated as a village, under this act, in the manner following: Any thirty legal voters resident within the limits of such proposed village may petition the county judge of the county in which they reside, to cause the question to be submitted to the legal voters of such proposed village, whether they will organize as a village under this act. And if the territory described in said petition shall be situated in more than one county, then the petition shall be addressed to the judge of the county court of the county where a greater part of such territory is situated. Such petition shall be addressed to the county judge, contain a definite description of the lands intended to be embraced in such village, the number of inhabitants resident therein, and the name of such proposed village.

Petition.

§ 6. Upon the filing such petition in the office of the county clerk, it shall be the duty of such judge to perform the same duties in reference to fixing the time and place of such election, giving notice and appointing judges thereof, as is above required to be performed by the president and trustees in towns already incorporated. The returns of such election shall be made to the county judge, who shall call to his assistance any two justices of the peace, and canvass such returns, and cause a statement of the result of such election to be entered upon the records of the county court. The second section of this article shall be applicable to such election.

Election of officers.

§ 7. If a majority of the votes cast at such election is for village organization under the general law, such proposed village, with the boundaries and name mentioned in in the petition, shall, from thenceforth, be deemed an organized village under this act, and the county judge shall, thereupon, call and fix the time and place of an election to elect village officers, and cause notice thereof to be posted or published, and perform all other acts in reference to such election, in like manner, as nearly as may be, as he is required to perform in reference to the election of officers in newly organized cities. But the term of office of trustees elected at such election shall terminate as soon as their successors are elected and qualified, at the regular annual election.

Trustees, election.

§ 8. In each village organized under this act, there shall be elected, by the qualified electors therein, six (6) trustees, who shall hold their office for one year and until their successors are elected and qualified. The trustees shall choose one of their own number president; and such village shall thenceforth be considered, in law and equity, a body corporate and politic, by the name and style of "The Village of . . .," and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, adopt a

common seal and alter the same at pleasure, and possess all other powers as a corporation in this act conferred upon cities not exceeding five thousand inhabitants, except as herein otherwise expressly provided. And wherever the words "city council" or "mayor" occur in this act, the same shall be held to apply to the trustees and president of such village, so far as the same may be applicable.

§ 9. The president of the board of trustees shall perform the duties and exercise the powers conferred upon the mayor of a city not exceeding five thousand inhabitants, and shall have the right to vote as a trustee at any meeting of the trustees; but when he shall have so voted shall not have the right to give the casting vote; and the trustees shall perform the duties and exercise all the powers conferred upon aldermen in cities; and the president and board of trustees may exercise the same powers conferred upon the mayor and city council of cities of not exceeding five thousand inhabitants, and pass ordinances in like manner. The president of the board of trustees may exercise the same veto powers, and with like effect, as the mayor of a city; and the board of trustees may pass ordinances over such veto in like manner as as a city council.

Powers and duties of trustees.

§ 10. The style of ordinances passed in villages shall be as follows: "Be it ordained by the President and Board of Trustees of the Village of . . .," (as the case may be).

Style of ordinances.

§ 11. The president and board of trustees may appoint a clerk *pro tempore*, and whenever necessary to fill vacancies; and may also appoint a treasurer, one or more street commissioners, a village constable, and such other officers as may be necessary to carry into effect the powers conferred upon villages, to prescribe their duties and fees, and require such officers to execute bonds, as may be prescribed by ordinance.

Appointment of officers.

§ 12. The village constable shall have the same powers to make arrests, execute process, and perform other official acts as other constables under the general laws of the state, together with such other powers as may be conferred on him by ordinance.

Constable.

§ 13. An annual election for trustees and a clerk of villages shall be held on the third Tuesday of April in each year, and special elections may be held under such regulations as may be provided by ordinance to fill vacancies and for other purposes.

Annual election

§ 14. Suits and prosecutions for the violations of any village ordinance may be prosecuted in the names of "The Village of . . .," and justices of the peace and police magistrates shall have jurisdiction over such suits; and all fines and moneys so collected shall be paid into the village treasury.

Suits and prosecutions.

§ 15. There may be a police magistrate elected at a regular annual election in each village, who shall give bonds,

Police magistrate.

qualify, and have the same jurisdiction as other justices of the peace, and hold his office for four years, and until his successor is elected and qualified.

§ 16. After the taking effect of this act, no town or city shall become incorporated under any other general law then in force for the incorporation of towns or cities.

APPROVED April 10, 1872.

In force July 1, 1872. AN ACT to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages.

Petition. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That on petition, in writing, signed by not less than three-fourths of the legal voters, and by the owners of not less than three-fourths (in value) of the property in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the city council or board of trustees of said city, village or town (as the case may be) may, by ordinance, annex such territory to such city, village or town, upon filing a copy of such ordinance, with an accurate map of the territory annexed (duly certified by the mayor of the city or president of the board of trustees of the village or town), in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein: Provided, that no portion, less than the whole of an incorporated city, town or village, shall be annexed to another incorporated city, town or village, except in the mode provided in this act for the annexation of the whole of an incorporated city, town or village, to another city, town or village.*

Annexation of cities and towns

§ 2. Any incorporated city, village or town may be annexed to another incorporated city, village or town, by ordinance passed by a two-thirds vote of all the aldermen or trustees elect of each corporation desiring annexation: *Provided, such annexation shall not affect or impair any rights or liabilities either in favor of or against such corporations; and suits founded upon such rights and liabilities, may be commenced, and pending suits may be prosecuted and carried to final judgments and execution, the same as if such annexation had not taken place. In making such annexation, the corporations so uniting may, by ordinance, fix the terms of the annexation, which shall have the force and effect of a binding contract: Provided, however, that no such ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town or village, at a general election thereof, and adopted by a ma-*

Submitted to voters.

majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town or village: *And, provided, also*, that the vote shall be by ballot, which shall be "for union ordinance," or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town or village.

§ 3. When any incorporated city, village or town shall desire to annex any contiguous territory thereto, and the same shall not have been petitioned for as provided in section one of this article, it shall be lawful for the city council or board of trustees of such city, village or town, by a two-thirds vote of all the aldermen or trustees elect, by ordinance or resolution, to authorize the mayor of such city, or the president of the board of trustees of such village or town, to petition the circuit court of the county in which the territory desired to be annexed or a major part thereof is situated, praying such annexation to be made. The petition shall contain a copy of such ordinance or resolution, and an accurate map of the territory which it is desired to annex, showing all such subdivisions that shall have been made therein. Such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard: *Provided*, that nothing in this connection contained shall authorize said petition to be filed unless the territory so sought to be annexed (except territory intervening between a city and town, or two or more cities or towns desiring to become united under this act,) shall contain an actual resident population of at least one hundred and fifty inhabitants to each section or fractional part of a section, so sought to be annexed—which said fact shall be alleged in said petition and proved on the hearing thereof, the same as any other allegation in said petition.

Annexation of
contiguous ter-
ritory.

§ 4. When it shall be determined to present such petition, the mayor or president of the board of trustees (as the case may be) shall cause notice of the time and place where and when the petition will be or has been filed, and at what term of court the hearing thereof will be had, and setting forth the boundaries or a general description of the territory proposed to be annexed—to be given by publication at least once in each week, for two successive weeks, in some newspaper published in the county where the petition is filed or to be filed (or, if no newspaper is published in such county, then in the nearest newspaper published in this state), and by posting up notices at least fourteen days before such time of hearing, in at least three of the most public places in the territory proposed to be annexed, and a like number in the city, village or town to which it is desired to annex such territory.

Notice of filing
of petition.

Objections to annexation.

§ 5. The legal voters resident upon the territory thus proposed to be annexed, or any of them, or any owner of land therein, or any voter of such city, village or town, may appear at such hearing, and show cause why such annexation should not be made; and the court, or a jury impaneled for that purpose (no member of the jury so impaneled shall be a resident of the corporation or territory to be annexed, nor of the town or towns in which said corporation or territory may be situated), shall hear all competent evidence that may be offered by either party; and the court may continue the hearing from time to time, for any cause, and make all proper orders in regard to the hearing, giving of notices and other disposition of the case.

Finding of the court or jury.

§ 6. If, upon the hearing, the court or the jury shall find that such territory ought to be annexed to such city, village or town, and can be so done without injustice to the inhabitants or persons interested, the court shall so order. If the court or jury shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners; and no subsequent petition shall be presented for the annexation of any of the territory embraced in such petition, within one year from the time of entering such order: *Provided*, that new trials may be granted as in other jury cases.

Contiguous tracts of land.

§ 7. When not less than a majority in number of the legal voters or the owner or owners of any tract or tracts of land, contiguous to any incorporated city, village or town shall, by petition, in writing, signed by them, and filed in the circuit court of the county where such territory or a major part thereof is situated, pray to be annexed to such city, village or town, the like proceedings may be had thereon, and with the like effect, as in case of a petition by a city, village or town: *Provided*, a copy of the notice required to be given shall be left with the mayor of such city, or president of such village or town, at least ten days before such petition is heard.

Petition for disconnection.

§ 8. Whenever a majority of the legal voters of any territory within any city, town or village, and being upon the border and within the boundary thereof, shall petition the circuit court of the county in which such city, town or village is situated, praying to be disconnected therefrom, such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard, and like proceedings shall be had as is required by sections four, five and six of the act for the annexation of territory to such city, town or village: *Provided*, that the provisions of this section shall only apply to lands not laid out into city or town lots or blocks.

Map and ordinance to be filed and recorded.

§ 9. When any territory is annexed to any city, village or town, as provided in this act, it shall be the duty of the mayor of the city, or the president of the board of trustees

of the village or town (as the case may be), to cause an accurate map of such added territory, together with the ordinance for the annexation, certified by such mayor, and if a decree or order of the court has been made therefor, a copy of the same, to be filed for record and recorded in the recorder's office for the county in which such added territory is situated. If territory is disconnected or excluded from any city, village or town, a copy of the ordinance or decree therefor shall be so filed for record and recorded.

§ 10. All school districts, and other corporations incorporated for school purposes, under special acts of the legislature, desiring to annex or disannex territory, may proceed under the provisions of this act. School districts.

§ 11. All courts in this state shall take judicial notice of cities, towns and villages, and of the changes of their territory, made under the provisions of this act. Courts.

APPROVED April 10, 1872.

AN ACT to enable any city, town or village in this state to change its name. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever a petition, signed by the qualified electors of any city, incorporated town or incorporated village of this state, equal in number to one-half of those who voted for the officers therein at the last election, shall be presented to the corporate authorities of such city, town or village, praying that the name of such city, town or village may be changed, it shall be lawful for such corporate authorities to make such change in the manner hereinafter prescribed. Petition for change of name

§ 2. Previous to the presentation of the petition in the preceding section mentioned, the name proposed to be given to such city, town or village, shall be filed in the office of the secretary of state, to be there retained for the period of at least sixty days, and upon application, the secretary of state shall, at any time after the filing of such name, grant a certificate, stating that such name has not been given to any other city, incorporated town, or incorporated village, or municipality in this state, if such be the fact; but if such name has been adopted by any other city, town, village or municipality, as appears from information in his office, the secretary of state shall so notify the party or parties making such application, in which case another name shall be filed in his office, which name shall likewise remain for the like period of sixty days; and no petition shall be acted upon by said corporate authorities unless accompanied by the Names to be filed in the office of secretary of state.

certificate of the secretary of state, setting forth that such name has not been adopted elsewhere in this state.

Duties of secretary of state.

§ 3. The secretary of state shall, as soon as practicable after the passage of this act, communicate with the clerks of the several counties of this state, and ascertain the names of all the cities, towns, villages or other municipal corporations therein, and arrange such names in alphabetical order for convenient reference. Such list of names shall be kept filed in his office, and shall be changed whenever a change of name shall be effected under the provisions of this act.

Duties of corporate authorities.

§ 4. At any meeting of the corporate authorities of any city, incorporated town or incorporated village, after the presentation of the petition herein provided, such corporate authorities shall fix the time when such petition shall be considered, and order notice of the presentation thereof to be given, by publishing such notice for three successive weeks in some newspaper having a general circulation in such city, town or village. Such notice shall state that a change of the name of such city, town or village has been prayed for, and the time when action on said petition will be had, at which time remonstrances, if any, will be heard.

Petitions and remonstrances to be heard.

§ 5. At the time fixed in the notice provided for in the preceding section, or if, from any cause, action thereon is not taken, such petition praying for a change of name, shall be, with all remonstrances, heard at any subsequent meeting of the corporate authorities of any such city, town or village; and if said corporate authorities are satisfied that such change of name is necessary and proper, they shall thereupon make an order changing the name of such city, town or village, and adopting the name prayed for in such petition.

Copy of order filed with secretary of state.

§ 6. If said change of name is made, said corporate authorities shall cause a copy of the order making such change to be filed in the office of the secretary of state, who shall thereupon make known the fact of such change, by publication in some newspaper of the county in which such city, town or village is situated, and also in some newspaper in the city of Chicago; and all the courts of this state shall take judicial notice of the change thus made.

Prior rights.

§ 7. Nothing in this act contained shall affect the rights or privileges of such city, town or village, or those of any person, as the same existed before such change of name; and all proceedings pending in any court or place in favor of or against said city, town or village, may be continued to final consummation under the name in which the same was commenced.

Change void.

§ 8. If the name of any such city, town or village shall be changed contrary to, or without complying with the provisions of this act, such change shall be void; and all pro-

ceedings instituted or acts done in such name as changed, shall be void and held for naught in the courts of this state.

§ 9. When the plat of any unincorporated town or village shall be placed upon record in any county of this state, the circuit court of said county shall have power, at any regular term of said court, to change the name of such unincorporated town or village, upon the petition of a majority of the legal voters residing within the limits of such town or village: *Provided*, notice of the proposed change of name shall be filed in the office of the secretary of state, as provided in section two of this act. Towns not incorporated.

APPROVED March 7, 1872.

AN ACT concerning the appointment and removal of city officers in all cities in this state, conferring additional powers and duties upon the mayors of such cities, and concerning appropriation bills or ordinances that may be passed in such cities. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in all cities in this state, all city officers (whose election by the qualified voters thereof is not provided for by law,) and also all members of boards organized under the charter (or amendments thereto) of any such city, except those appointed by the governor of the state, shall be appointed by the mayor of the city, by and with the consent of the legislative authority thereof, a majority of all the members elect concurring by yeas and nays to be entered upon its journal. Any such city officer or member of any such board may be removed by the mayor of any such city, whenever, in his opinion, the interests of the city may require such removal; but he shall report, in writing, his reasons for such removal to the said legislative authority at its next regular meeting. In case of a removal from or a vacancy in any such office or board, a successor may be appointed by the mayor, with the like consent of the legislative authority of any such city. Mayor to appoint and remove.

§ 2. The mayor of any such city shall have power at any and all times to examine and inspect the records, books and papers of any board, officer, agent or servant of the city, and to require from him or them a detailed statement, in writing, of any transactions of such board, officer, agent or servant. It shall be the duty of any such mayor, when requested by resolution, to furnish to the legislative authority of any such city, or either branch thereof, any information in his possession or control, concerning any matter or transaction connected with the administration of the city government. The mayor of every such city shall be held Mayor may inspect books and records.

responsible for the good order and government of the city ; he shall have and exercise within the city limits the powers conferred by law upon sheriffs of counties to suppress disorder and keep the peace, and in the exercise of such powers, he may direct and control the officers and members of the police and fire departments of the city.

Mayor may veto all or part of ordinance.

§ 3. That whenever by law the legislative authority of any such city is required to provide for municipal expenditures by the passage of an annual appropriation bill (or ordinance), it shall and may be lawful for the mayor thereof, when any such bill or ordinance is submitted to him for approval or disapproval, to veto any one or more items or appropriations contained in such bill or ordinance, or to veto or approve the entire bill or ordinance. If he shall veto only a part of such bill or ordinance, and approve the remainder, the part approved shall be as valid as if the whole ordinance had been approved ; and he shall report to such legislative authority his reasons for vetoing the part of the ordinance vetoed, and the same proceedings shall be had as to the items or parts vetoed, as is by law provided to be had when there is a veto of the bill or ordinance as a whole.

Mayor to preside.

§ 4. Mayors shall be, *ex-officio*, presidents of the common councils or boards of aldermen of all cities in this state, and shall preside, when present, at all the meetings, and appoint the standing committees.

§ 5. This act shall only remain in force for the term of two years, from and after its passage.

APPROVED March 9, 1872.

In force Jan. 18, 1872. AN ACT to prevent the unjust collection, by incorporated cities and towns, of taxes levied upon property destroyed by fire, and to authorize the common council of such cities, or board of trustees of such towns, to change or amend appropriation bills, to pass new appropriation bills, to reduce taxes and special assessments in certain cases, and to discontinue special improvements.

Property destroyed, taxes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever, in any incorporated city or town in this state, any property listed or assessed for municipal taxation, shall have been or shall hereafter be destroyed by fire, in whole or in part, before the levy of the municipal taxes of such city thereon, or before the municipal taxes levied thereon shall have been collected, it shall and may be lawful for the mayor of such city or town—if there be no mayor, then the president of the board of trustees, the city comptroller, if there should be one ; and if not, then the city clerk or town clerk, and the tax commissioner, if there should be

one; if not, then the chairman of the finance committee of the city council, or board of trustees—to rebate or remit so much of such tax or taxes, so levied upon such property, as in their opinion should be rebated or remitted by reason of such property having been, in whole or in part, destroyed by fire.

§ 2. That whenever, in any incorporated city or town in this state, any large portion of the taxable property of such city shall have been or shall hereafter be destroyed by fire, so as to seriously impair or affect the ability of the property owners of such city or town to pay taxes or special assessments thereon, and an appropriation bill has been made or passed, or special improvements ordered before such fire, and the tax or assessment for the payment or raising of the same has not been levied or collected, it may be lawful for the city council or board of trustees of any such town to alter, revise, change, reduce, or vacate, or repeal such appropriation bill, or any part of the same, and to order the discontinuance of said special improvements, or any of the same, or to reduce the amount of taxes or special assessments ordered to be levied, or assessed, or collected for any general or special purpose, and to pass a new appropriation bill; which new appropriation bill shall have the same force and effect as if the same had been passed within the time prescribed by the charter of any such city or such corporate town. Special im-
provements.

§ 3. Whereas a large amount of property listed for taxation in the city of Chicago, and in other cities and towns of this state, has been destroyed by fire before the taxes thereon have been paid, which taxes it would be unjust to collect, it is declared that an emergency exists that this law go into force immediately, and therefore it is enacted that this law shall be in force from and after its passage. Emergency.

APPROVED January 18, 1872.

AN ACT to enable cities and villages to contract for a supply of water for public use, and to levy and collect a tax to pay for water so supplied. In force July
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cities and villages where water works may hereafter be constructed by an incorporated company, the city or village authorities in such cities and villages may contract with such incorporated company for a supply of water for public use, for a period not exceeding thirty years.

§ 2. Any such city or village, so contracting, may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied.

APPROVED April 9, 1872.

In force July 1, 1872. AN ACT to repeal an act entitled "An act to remove certain out-lots therein mentioned, from within the jurisdiction of the town (now city) of Chester, in Randolph county, and to vacate parts of certain alleys therein mentioned.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the "Act to remove certain out-lots therein mentioned from within the jurisdiction of the town (now city) of Chester, in Randolph county, and to vacate parts of certain alleys therein mentioned," approved April first, A.D. one thousand eight hundred and sixty-nine (1869), be and the same is hereby repealed.

APPROVED March 8, 1872.

In force July 1, 1872. AN ACT to repeal an act incorporating the city of Nashville, in Washington county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to incorporate the city of Nashville, in Washington county," approved March thirty-one, in the year of our Lord one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

APPROVED January 22, 1872.

In force July 1, 1872. AN ACT to authorize the city of Quincy to create the indebtedness referred to in the twenty-fourth section of the schedule of the constitution, to provide for payment thereof, and validating acts of said city relating thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city of Quincy may subscribe five hundred thousand dollars to the capital stock of the Quincy, Missouri and Pacific Railroad Company, upon such conditions as to the city council of said city shall seem best for the interests of said

May subscribe
to capital stock.

city, subject however, to the conditions hereinafter contained, and, issue evidences of indebtedness in payment thereof, and raise money to pay the same, for which the people of said city voted and to which they, by such vote, give their assent prior to the thirteenth day of December, in the year of our Lord, one thousand eight hundred and sixty-nine: *Provided*, that no such indebtedness so created shall, in any part thereof, be paid by the state or from any state revenue; but the same shall be paid by said city of Quincy, alone, and by taxes to be levied upon the taxable property thereof: *And, provided, further*, that the evidences of such indebtedness to be issued by said city shall be issued in conformity with the terms, conditions, requirements and provisions of the order or orders of the city council of said city submitting the proposition to subscribe to the capital stock of said railroad company to a vote of the people of said city, except as hereinafter expressly provided; and the records and files of said city of an affirmative vote, therefor shall be *prima facie* evidence of such vote and of such assent. And any election held in said city prior to said day, for the purpose of such vote being taken, and any contract or subscription made or to be made by said city to the capital stock of said railroad company, in pursuance thereof, and any bonds or other evidences of such indebtedness issued or to be issued by said city, are hereby declared valid.

Evidences of
indebtedness.

§ 2. Upon presentation of any bonds or evidences of indebtedness authorized by the first section of this act for registration, under the provisions of the act of the general assembly, entitled "An act relating to county and city debts and to provide for the payment thereof by taxation in such counties and cities," approved February thirteenth, eighteen hundred and sixty-five, to the auditor of public accounts, he shall cause the same to be registered under said act. And said act shall in all respects apply to such bonds: *Provided*, that said bonds may bear interest at any rate not exceeding eight per centum per annum, payable semi-annually.

Auditor to re-
gister bonds.

Interest.

§ 3. This act shall take effect and be in force from and after July first, eighteen hundred and seventy-one.

This bill having been vetoed by the governor, was, notwithstanding his objections, passed over said veto by a two-thirds vote of each house of the general assembly, and deposited in this office by Senator James W. Eddy, chairman of the committee on enrolled and engrossed bills, this thirty-first day of March, A. D. 1871.

EDWARD RUMMEL,
Secretary of State.

COMMISSIONERS.

In force April 15, 1871. AN ACT to appoint commissioners to construct the Southern Illinois Insane Asylum and the Southern Illinois Normal University, and to make an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the governor shall nominate and appoint, by and with the advice and consent of the senate, three citizens of the state—two of whom shall be practical builders—as commissioners to construct the Southern Illinois Insane Asylum located at Anna, and the Southern Normal University located at Carbondale.

Governor
appoint.

Powers
duties.

§ 2. Said commissioners, when appointed, shall succeed the commissioners of said insane asylum, who were constituted and appointed as such commissioners by virtue of an act approved April 16, 1869, and designated “An act to locate, erect and carry on an asylum for the insane,” and shall also succeed the trustees appointed under “An act to establish and maintain the Southern Illinois Normal University,” approved March 9th, 1869; and said commissioners, when appointed and confirmed, shall have all the rights, powers, duties and privileges, as a board of commissioners for the construction of said institution, that the commissioners and trustees aforesaid, created and appointed by the acts before referred to, have under and through said acts, and may, in their discretion, continue or discharge any instructor heretofore engaged by said trustees of said Southern Illinois Normal University.

Term of office
of trustees to
terminate.

§ 3. Whenever the commissioners appointed by this act shall be confirmed by the senate, then the terms of office of the present commissioners and trustees of said institutions now in process of construction shall terminate, anything in said acts to establish and maintain said institutions to the contrary notwithstanding; and such commissioners and trustees shall immediately turn over and deliver to the commissioners appointed by this act, all books and papers, accounts or evidences of indebtedness for work, labor and material furnished to erect, construct and complete such institutions, and also deliver to said commissioners all deeds of lands donated or purchased, all bonds, titles, papers, notes, accounts, subscription books, all plans and specifications made by architects, and in general, all papers relating to such institutions; and the treasurers respectively of said present boards of commissioners and trustees are hereby required to transfer and deliver to the treasurer of the board of commissioners which shall be appointed under this act, all moneys, vouchers, orders, books, and everything in

their possession relating to said institutions, upon demand of such treasurer appointed to succeed them.

§ 4. The commissioners appointed under this act shall, as soon as possible, meet and organize as follows: They shall first elect one of their number president; then, as two of them are practical builders, one of these shall be appointed superintendent of the insane asylum and the other superintendent of the normal university. The third member of this board shall act as secretary and treasurer of the same, and shall give bonds payable to the People of the State of Illinois, in the sum of one hundred thousand dollars, for the faithful performance of the duties of his office, and that he will strictly account for moneys received by him as treasurer to be paid in the construction of said institutions, which bond shall be approved by the governor. Said commissioners, before entering upon the discharge of their duties, shall each take and subscribe an oath, as required by constitution of this state, which shall be filed in the office of the secretary of state.

Organization
and appoint-
ments.

§ 5. Said commissioners shall hold their offices respectively until the said institutions shall have been constructed and completed, or until they or either of them may have been discharged or removed by the governor, who shall have the right to make such discharge or removal, and to appoint a successor or successors to hold until the meeting of the general assembly thereafter.

To hold office
until completion
of institutions.

§ 6. Said commissioners shall immediately after their organization enter upon the discharge of their duties as herein prescribed. They shall proceed to examine the contract for the construction of said Southern Illinois Normal University, made with James M. Campbell, for the purpose of ascertaining whether the same is now in full force and not void, as is claimed by reason of the acts of said trustees, in order that they may act understandingly; also to examine the plans and specifications of said building, that they may determine how much extra work has been done by said contractor, and how and in what manner, if deemed by them advisable, the said plans and specifications may be changed and abridged so that the expense of said building may be curtailed; and they may continue said contract, and allow said contractor, out of the funds hereinafter appropriated, the amount actually due him for such extra work.

Proceed to ex-
amine contract
for construction

And the amount that may be saved in construction by said modification of the plans and specifications may be accreted upon the bonds of Jackson county, or they shall make a full settlement with James M. Campbell, the contractor for the normal university building, as follows: Said contractor shall return to said commissioners all the assets paid and delivered to him by the former board of trustees, which remain unexpended in his possession, including one hundred thousand dollars in bonds issued by the city of Carbondale;

Allowance to
contractor.

Contractor to
return assets.

Value to be ascertained.

Final conclusion and acceptance.

and he shall be charged with all assets so paid to, and received by him, which he shall fail to so return: *Provided*, that any assets converted and used by him shall be charged to him either at the cash value thereof, or the value obtained by him therefor, at the option of the commissioners; and he shall be credited with a fair cash value of all materials furnished, work and labor done, and expenditures incurred by him, in and about the erection of said building. Such value shall be estimated and ascertained by three disinterested persons who are competent judges of said values, who shall be selected by said commissioners and said contractor, and who shall be sworn on request of either party before entering on such appraisalment. And when said value shall be ascertained the balance shall be struck between said charges and credits; and such balance shall be paid on demand, in cash, by the party against whom it shall be found, to the party in whose favor it shall be found. The commissioners shall deposit the said bonds of the city of Carbonale with the governor, to be held or disposed of by him as in his judgment the interests of the state and of said normal university may require. On the return of the assets as aforesaid, and the completion of said settlement, said commissioners shall take possession of the normal building and grounds, and all materials and other property belonging or appertaining thereto, and shall deliver up to the contractor his contract and bond for erecting said building; and they shall then proceed, under the directions of the governor, with the work on said building, and inclosing and improving the grounds belonging thereto: *Provided*, that before a final conclusion and acceptance by said commissioners and contractors, shall have been determined, the propositions shall be submitted to the governor for his approval, and that no contract or arrangement for the construction of said building shall be entered into or be valid, by or through which a greater sum shall be required of the state to complete the same than the amount herein appropriated: *And, provided, further*, that nothing herein contained, nor any act of said commissioners, shall be construed against the state, either as indorsement or assumption of the bonds of, or donations to said institution, except by settlement as indicated. For the purpose of carrying out the propositions of this act the sum of fifty thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be drawn and expended as directed in the next section of this act. Said commissioners shall also examine the plans of said insane asylum with direct reference to the economy and general propriety of constructing and maintaining the heating apparatus and arrangements, and the ventilating process now contemplated, and shall embody their conclusions on both these subjects (and others appertaining), in the irreport, which shall be made to this general

assembly at its adjourned session, and thereafter to the governor one month previous to each meeting of the general assembly.

§ 7. All payments by said commissioners shall be stipulated to be made out of funds as appropriated, and no other. Payments by commissioners. The accounts of expenditures of said commissioners shall be certified to by them, or a majority of them, and approved by the governor. The auditor shall thereupon draw his warrant upon the treasurer therefor, in favor of the party to whom the accounts shall be due. Accounts in detail shall be kept and furnished in their reports, by said commissioners, of all those expenditures and other cash transactions had by them in their official capacity.

§ 8. Said commissioners shall receive as their compensation the sum of six dollars (\$6) per diem for actual time occupied in the discharge of their duties as herein described, to be paid out of the funds of the state, upon account of time rendered, certified to by the commissioners or a majority of them, and obtained in the manner indicated in the foregoing section. Compensation.

§ 9. Whereas said institutions are now being constructed, and it is necessary that the same should be completed as soon as possible, and that said commissioners should be appointed as soon as practicable, whereby an emergency has arisen: therefore this act shall take effect and be in force from and after its passage. Emergency.

APPROVED April 15, 1871.

CONTRACTS.

AN ACT in regard to contracts under seal, and relating to sales of real estate and the enforcement thereof. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any instrument of writing, to which the maker shall affix a scrawl by way of seal, shall be of the same effect and obligation, to all intents, as if the same were sealed. Scrawl by way of seal.

§ 2. When any person who has heretofore entered, or may hereafter enter, into any contract, bond or memorandum in writing, to make a deed or title to land in this state, for a valuable consideration, and shall have died, or become lunatic or insane, without having executed and delivered said deed, it shall and may be lawful for any county court, Contracts for deeds.

having chancery jurisdiction, in the county where the land or some part thereof may be, to make an order compelling the executors or administrators of such deceased person, or conservator of such lunatic or insane person, to execute and deliver such deed to the party having such equitable right, as aforesaid, to the same, or his heirs, according to the true intent and meaning of said contract, bond or memorandum; and all such deeds shall be good and valid in law.

Petition.

§ 3. It shall not be lawful for any court to make such order, except upon the petition, in writing, of the person entitled to the benefit of the same, or his heirs, setting forth the said contract, bond or memorandum in writing, and fully describing the lands to be conveyed, nor until the person or persons so applying for such title shall have given reasonable notice of the time and place of such application to the executor, administrator and heirs of such person so deceased, or conservator of such lunatic or insane person, and shall have fully paid, discharged and fulfilled the consideration of such contract, bond or memorandum in writing, as to the premises sought to be conveyed to the petitioner, or the petitioner shall be entitled in equity to a conveyance, according to the true intent, tenor and effect thereof.

Executors, administrators or heirs.

§ 4. The executor, administrator or heirs of any deceased person who shall have made such contract, bond or memorandum in writing, in his life time, for the conveyance of land, for a valuable consideration, or the conservator of any lunatic or insane person who shall have made such contract, bond or memorandum in writing before his lunacy or insanity, when such consideration has been paid and fulfilled as aforesaid, or a conveyance ought to be made, may, upon application in writing, obtain such order, upon giving notice to the party to whom such deed is intended to be made, and under the same condition as is provided in this chapter.

Minor heirs.

§ 5. In all cases where any minor heirs shall be interested in such proceeding as aforesaid, reasonable notice of such application shall be given to the guardian of such minors; and if there shall be no guardian, then the said court shall appoint a guardian to litigate and act in such case.

Continuance.

§ 6. In all cases where application shall be made as aforesaid, the court shall have power to continue the same from term to term, to obtain such evidence as the nature of the case shall require; and no decree for the conveyance of land, upon application as aforesaid, shall be made, unless the said courts shall be satisfied that decree can be made without injustice to any heir or creditor of the deceased, or the estate of such lunatic or insane person, and that the same is just and equitable.

Record, costs.

§ 7. A complete record of such petition and proceedings thereon shall be made, and the court shall order payment of costs as shall appear right and equitable.

§ 8. Guardians and conservators of habitual drunkards may sue or be sued under this act, in the same manner and with like effect as in case of idiots or lunatics. Guardians and conservators.

§ 9. That section fifty-six, of chapter eighty-three, entitled "Practice," and sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, of chapter twenty-four, of the Revised Statutes of 1845, entitled "Conveyances," are hereby repealed; but the repeal of said sections shall not be construed to affect any suit pending, or to impair any right existing, at the time this act takes effect. Acts repealed.

APPROVED March 19, 1872.

CONTRACTORS.

AN ACT to protect contractors, sub-contractors and laborers in their claims against railroad companies, or corporations, contractors or sub-contractors. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all persons who may have furnished, or who shall hereafter furnish to any railroad corporation now existing, or hereafter to be organized under the laws of this state, any fuel, ties, material, supplies, or any other article or thing necessary for the construction, maintenance, operation or repair of such roads, by contract with said corporation, or who shall have done and performed, or shall hereafter do and perform any work or labor for such construction, maintenance, operation or repair by like contract, shall be entitled to be paid for the same as part of the current expenses of said road; and in order to secure the same, shall have a lien upon all the property, real, personal and mixed, of said railroad corporation as against such railroad, and as against all mortgages or other liens which shall accrue after the commencement of the delivery of said articles, or the commencement of said work or labor: *Provided,* suit shall be commenced within six months after such contractor or laborer shall have completed his contract with said railroad corporation, or after such labor shall have been performed or material furnished. Materials furnished.
Lien.

§ 2. Every person who shall hereafter, as sub-contractor, material man, or laborer, furnish to any contractor with any such railroad corporation any fuel, ties, materials, supplies, or any other article or thing, or who shall do and perform any work or labor for such contractor in conformity with the terms of any contract, express or implied, which Sub-contractors and laborers.

such contractor may have made with any such railroad corporation, shall have a lien upon all the property, real, personal and mixed, of said railroad corporation: *Provided*, such sub-contractor, material man or laborer shall have complied with the provisions of this act. But the aggregate of all liens hereby authorized shall not, in any case, exceed the price agreed upon in the original contract to be paid by such corporation to the original contractor: *And, provided, further*, that no such lien shall take priority over any existing lien.

Notice to president or secretary.

§ 3. The person performing such labor, or furnishing such material, shall cause a notice, in writing, to be served on the president or secretary of such railroad corporation, substantially as follows, viz :

To , president, (or secretary, as the case may be) of the :
You are hereby notified that I am (or have been) employed by as a laborer (or have furnished supplies, as the case may be) on or for the , and that I shall hold all the property of said railroad (or railway, as the case may be) company to secure my pay.

If there shall be a contract in writing between the original contractor and sub-contractor, material man or laborer, a copy of such contract, if the same can be obtained, shall be served with such notice and attached thereto, which notice shall be served at any time before or within twenty days after the completion of such sub-contract, or such labor: *Provided*, that no lien shall attach in favor of any person performing such labor or furnishing material until such notice shall have been served as above, or filed for record as hereinafter provided.

Notice to be filed.

§ 4. If neither the president or the secretary of such railroad corporation shall reside or can be found in the county in which the sub-contract was made, or labor performed, the laborer, or person furnishing labor or material, shall file said notice in the office of the clerk of the circuit court; and the clerk of the circuit court shall file and keep a record of said notice, and cause a copy of the same to be mailed to the president or secretary of said company, for which he shall receive the sum of twenty-five cents, and said clerk shall keep a list of the names of the persons so claiming lien, and the names of the corporations against which such liens are claimed.

When suit may be commenced.

§ 5. If the money due the person having given notice as aforesaid, shall not be paid within ten days after the money shall become due and payable, then such person may commence suit therefor, in any court having jurisdiction of the amount claimed to be due, against the corporation with which the original contract was made; or he may commence suit, as aforesaid, against such railroad, corporation and original contractor jointly, and execution to issue as in other cases. If execution, issued on judgment obtained before a justice of the peace, shall be returned not

satisfied, a transcript of such judgment may be taken to the circuit court, and spread upon the records thereof, and shall have all the force and effect of judgments obtained in the circuit court, and execution issued thereon as in other cases.

§ 6. Whenever any suit, so brought, shall be determined in favor of the plaintiff, the court shall allow, if before a justice, five dollars, if in a court of record, twenty dollars, attorney's fees to be taxed as costs. Attorney's fees.

§ 7. Should the original contractor in any case fail to complete his contract, any person entitled to a lien, as aforesaid, may file his petition in any court of record, in any county through which the road may be constructed, against the railroad corporation and the contractors, setting forth the nature of his claim, and the amount due as near as may be, [and] the fact that the contractor has failed to complete his contract. The clerk of said court shall thereupon cause a notice to be published for four successive weeks in a newspaper printed in the county, setting forth that said petition has been filed, and the time when the writ issued on the same shall have been made returnable, and all persons entitled to liens under this act may enter their appearance and interplead in said cause, and have their claims adjudicated; and it shall be the duty of the court, in case the petitioner or claimants, or either of them, establish their claims, to enter a decree against the said corporation and original contractor, for the amount to which the persons so establishing their claims are respectively entitled, and such decrees shall have the same force and effect as decrees in other cases. Failure to complete contract.

§ 8. The lien hereby created shall continue for three months from the time of the performance of the sub-contract, or doing of the work or furnishing the material as aforesaid, except when suit shall be commenced by petition as aforesaid, and in such cases all liens shall be barred by decree entered in such cause. Lien to continue three months

§ 9. That an act entitled "An act in relation to the lien of operatives and others on the property of railroad corporations within this state," approved February 22d, 1861, is hereby repealed; saving, however, all rights and causes of action existing under said statute hereby repealed. Repealed.

APPROVED April 3, 1872.

CONVEYANCES.

In force July 1,
1872.

AN ACT concerning conveyances.

Livery of seizin.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That livery of seizin shall in no case be necessary for the conveyance of real property; but every deed, mortgage or other conveyance in writing, not procured by duress, and signed and sealed by the party making the same, the maker or makers being of full age, sound mind, and dis-covert, shall be sufficient, without livery of seizin, for the giving, granting, selling, mortgaging, leasing or otherwise conveying or transferring any lands, tenements or hereditaments in this state; so as, to all intents and purposes, absolutely and fully to vest in every donee, grantee, bargainee, mortgagee, lessee or purchaser, all such estate or estates as shall be specified in any such deed, mortgage, lease or other conveyance. Nothing herein contained shall be so construed as to divest or defeat the older or better estate or right of any person or persons, not party to any such deed, mortgage, lease, or other conveyance.

Deeds, etc., to
be good and ef-
fectual.

§ 2. Every estate, feoffment, gift, grant, deed, mortgage, lease, release, or confirmation of lands, tenements, rents, services or hereditaments made or had, or hereafter to be made or had, by any person or persons, being of full age, sound mind, dis-covert, and not procured by duress, to any person or persons, and all recoveries, judgments and executions had or made, or to be had or made, shall be good and effectual to him, her or them to whom it is or shall be so made, had or given, and to all others, to his, her or their use, against the judgment debtor, seller, feoffor, donor, grantor, mortgagor, lessor, releasor, or confirmor, and against his, her or their heirs, claiming the same only as heir or heirs, and every of them, and against all others having or claiming any title or interest in the same, only to the use of the same judgment debtor, seller, feoffor, donor, grantor, mortgagor, lessor, releasor or confirmor, or his, her or their said heirs, at the time of the judgment, execution, bargain, sale, mortgage, covenant, lease, release, gift or grant made.

Lands, etc.,
held in trust.

§ 3. Where any person or persons stand or be seized, or at any time hereafter shall stand or be seized of and in any messuages, lands, tenements, rents, services, reversions, remainders, or other hereditaments, to the use, confidence or trust of any other person or persons, or of any body politic, by reason of any bargain, sale, feoffment, fine, recovery, covenant, contract, agreement, will or otherwise,

by any manner of means whatsoever, in every such case all and every such person or persons, and bodies politic, that have or hereafter shall have any such use, confidence or trust, in fee simple, for term of life or for years or otherwise, or any use, confidence or trust in remainder or reversion, shall from thenceforth stand and be seized, deemed and adjudged in lawful seizin, estate and possession of and in the same messuages, lands, tenements, rents, services, reversions, remainders and hereditaments, with their appurtenances, to all intents, constructions and purposes in law of and in such like estates, as they had or shall have in use, confidence or trust of or in the same; and that the estate, right, title and possession that was or shall be in such person or persons that were or hereafter shall be seized of any lands, tenements or hereditaments, to the use, confidence or trust of any such person or persons, or of any body politic, be from henceforth clearly deemed and adjudged to be in him, her or them that have or hereafter shall have such use, confidence or trust, after such quality, manner, form and condition as they had before, in or to the use, confidence or trust that was or shall be in them.

§ 4. Any person claiming right or title to lands, tenements or hereditaments, although he, she or they may be out of possession, and notwithstanding there may be an adverse possession thereof, may sell, convey and transfer his or her interest in and to the same, in as full and complete a manner as if he or she were in the actual possession of the lands and premises intended to be conveyed; and the grantee or grantees shall have the same right of action for the recovery thereof, and shall in all respects derive the same benefit and advantage therefrom, as if the grantor or grantors had been in the actual possession at the time of executing the conveyance. Claimants not in possession.

§ 5. No estate in joint tenancy, in any lands, tenements [or] hereditaments, shall be held or claimed under any grant, devise or conveyance whatsoever, heretofore or hereafter made, other than to executors and trustees, unless the premises therein mentioned shall expressly be thereby declared to pass, not in tenancy in common, but in joint tenancy; and every such estate, other than to executors and trustees, (unless otherwise expressly declared as aforesaid) shall be deemed to be in tenancy in common. Estate in joint tenancy.

§ 6. In cases where, by the common law, any person or persons might hereafter become seized, in fee tail, of any lands, tenements or hereditaments, by virtue of any devise, gift, grant or other conveyance, hereafter to be made, or by any other means whatsoever, such person or persons, instead of being or becoming seized thereof in fee tail, shall be deemed and adjudged to be, and become seized thereof, for his or her natural life only, and the remainder shall pass in fee simple absolute, to the person or persons to whom Fee tail.

the estate tail would, on the death of the first grantee, devisee or donee in tail, first pass, according to the course of the common law, by virtue of such devise, gift, grant or conveyance.

Fee simple absolute.

§ 7. If any person shall sell and convey to another, by deed or conveyance, purporting to convey an estate in fee simple absolute, in any tract of land or real estate, lying and being in this state, not then being possessed of the legal estate or interest therein at the time of the sale and conveyance, but after such sale and conveyance the vendor shall become possessed of and confirmed in the legal estate to the land or real estate so sold and conveyed, it shall be taken and held to be in trust and for the use of the grantee or vendee; and the conveyance aforesaid shall be held and taken, and shall be as valid as if the grantor or vendor had the legal estate or interest, at the time of said sale or conveyance.

Estate of inheritance in fee simple.

§ 8. All deeds, whereby any estate of inheritance, in fee simple, shall hereafter be limited to the grantee and his heirs, or other legal representatives, the words "grant," "bargain" and "sell," respectively, shall be adjudged an express covenant to the grantee, his heirs and other legal representatives, to-wit: That the grantor was seized of an indefeisable estate in fee simple, free from incumbrances done or suffered from the grantor, except the rents and services that may be reserved, as also for quiet enjoyment against the grantor, his heirs and assigns, unless limited by express words contained in such deed; and the grantee, his heirs, executors, administrators and assigns, may in any action assign breaches, as if such covenants were expressly inserted: *Provided, always*, that this law shall not extend to leases at rack-rent, or leases not exceeding one-and-twenty years, where the actual possession goes with the lease.

Deeds for conveyance of lands

§ 9. Deeds for the conveyance of land may be, substantially, in the following form:

The grantor [here insert name or names and place of residence], for and in consideration of [here insert consideration] in hand paid, conveys and warrants to [here insert the grantee's name or names] the following described real estate [here insert description], situated in the county of . . . , in the state of Illinois.

Dated this . . . day of . . . , A. D. 18..

A. B. [L. s.]

Every deed in substance in the above form, when otherwise duly executed, shall be deemed and held a conveyance in fee simple, to the grantee, his heirs or assigns, with covenants on the part of the grantor, (1) that at the time of the making and delivery of such deed he was lawfully seized of an indefeisable estate in fee simple, in and to the premises therein described, and had good right and full power to convey the same: (2) that the same were then free from all incumbrances; and (3) that he warrants to the grantee, his heirs and assigns, the quiet and peaceable

possession of such premises, and will defend the title thereto against all persons who may lawfully claim the same. And such covenants shall be obligatory upon any grantor, his heirs and personal representatives, as fully and with like effect as if written at length in such deed.

§ 10. Quit claim deeds may be, in substance, in the following form: Quit-claim deeds.

The grantor [here insert grantor's name or names and place of residence], for the consideration of [here insert consideration], convey and quit claim to [here insert grantee's name or names] all interest in the following described real estate [here insert description], situated in the county of . . . , in the state of Illinois.

Dated this . . . day of . . . , A. D. 18..

A. B. [L. s.]

Every deed in substance in the form prescribed in this section, when otherwise duly executed, shall be deemed and held a good and sufficient conveyance, release and quit claim to the grantee, his heirs and assigns, in fee of all the then existing legal or equitable rights of the grantor, in the premises therein described, but shall not extend to after-acquired title unless words are added expressing such intention.

§ 11. Mortgages of lands may be in the following form, Mortgages of lands.

The mortgagor [here insert name or names], mortgages and warrants to [here insert name or names of mortgagee or mortgagees], to secure the payment of [here recite the nature and amount of indebtedness, showing when due and the rate of interest, and whether secured by note or otherwise], the following described real estate [here insert description thereof], situated in the county of . . . , in the state of Illinois.

Dated this . . . day of . . . , A. D. 18..

A. B. [L. s.]

Every such mortgage, when otherwise properly executed, shall be deemed and held a good and sufficient mortgage in fee to secure the payment of the moneys therein specified; and if the same contains the words "and warrants," the same shall be construed the same as if full covenants of seizin, good right to convey against incumbrances, of quiet enjoyment and general warranty, as expressed in section nine (9) of this act, were fully written therein; but if the words "and warrants" are omitted, no such covenants shall be implied. When the grantor or grantors in any such deed or mortgage for the conveyance of any real estate desire to release or waive his, her or their homestead rights therein, they or either of them may release or waive the same by inserting in the form of deed or mortgage (as the case may be), provided in sections nine, ten and eleven, after the words "state of Illinois," in substance the following words, "hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of this state."

§ 12. In deeds made by masters in chancery, sheriffs, guardians, administrators, executors, trustees, commissioners, or other persons, under and by virtue of any judgment, order, proceeding or decree of any court, it shall be unnecessary to copy any such judgment, order, proceeding Deeds by virtue of judgment.

or decree in such deed ; but it shall be sufficient to refer to the same by the title of the cause, the name of the court, the date or term of court at which such proceedings were had, or the judgment, order or decree obtained.

Transfer of
estate.

§ 13. Every estate in lands which shall be granted, conveyed or devised, although other words heretofore necessary to transfer an estate of inheritance be not added, shall be deemed a fee simple estate of inheritance, if a less estate be not limited by express words, or do not appear to have been granted, conveyed or devised by construction or operation of law.

Estate limited
in remainder.

§ 14. When an estate hath been, or shall be, by any conveyance limited in remainder to the son or daughter, or to the use of the son or daughter of any person to be begotten, such son or daughter, born after the decease of his or her father, shall take the estate in the same manner as if he or she had been born in the life-time of the father, although no estate shall have been conveyed to support the contingent remainder after his death.

Purchasers of
school lands.

§ 15. Purchasers of school or canal lands or town lots may, by indorsement in writing on their certificates of purchase, transfer and assign all right and title to the lands or lots purchased, or transfers or assignments of such certificates may be made upon a separate paper, and transferees or assignees may in like manner transfer and assign all such certificates ; and in all cases where certificates have been or shall hereafter be transferred or assigned, patents shall issue in the name of the last transferee or assignee.

Estate belong-
ing to county.

§ 16. The county board of any county may authorize any officer or member of its board to execute and deliver all deeds, grants, conveyances, and other instruments in writing, which may become necessary in selling, transferring or conveying any real estate belonging to its county, and such deeds, grants, conveyances, and other instruments, if made without fraud or collusion, shall be obligatory upon the county to all intents and purposes.

Right of dower.

§ 17. A married woman may relinquish her right of dower in any of the real estate of her husband, or in any real estate, by joining with her husband in a deed, mortgage, conveyance, power of attorney, release or other writing of or relating to the sale, conveyance, or other disposition thereof. In all cases where the interest of the husband in any tract or parcel of land has been divested by process of law or otherwise, the wife may, by deed, duly executed and acknowledged, release and convey to the purchaser or purchasers, his or their grantee or grantees, all her interest in such tract or parcel of land, whether in possession or expectancy, in the same manner and with the like effect as though she were sole and unmarried ; and any deed by her so executed and acknowledged shall be a valid and sufficient bar, in law and in equity, to any right or

choice of dower or other interest which she may thereafter assert in such premises.

§ 18. Any married woman, being above the age of eighteen years, joining with her husband in the execution of any deed, mortgage, conveyance, power of attorney, or other writing of or relating to the sale, conveyance or other disposition of her lands or real estate, or any interest therein, shall be bound and concluded by the same, in respect to her right, title, claim or interest in such estate, as if she were sole. Married women

§ 19. The acknowledgment or proof of any deed, mortgage, conveyance, release of dower, power of attorney, or other writing of or relating to the sale, conveyance, or other disposition of lands or real estate, or any interest therein, by a married woman, may be made and certified the same as if she were a *feme sole*, and shall have the same effect. Acknowledgment or proof.

§ 20. Deeds, mortgages, conveyances, releases, powers of attorney, or other writings of or relating to the sale, conveyance or other disposition of real estate, or any interest therein, whereby the rights of any person may be affected in law or in equity, may be acknowledged or proved before some one of the following courts or officers, namely: Courts or officers whom deeds may be proved.

First—When acknowledged or proved within this state, before a master in chancery, notary public, circuit or county clerk, justice of the peace, or any court of record having a seal, or any judge, justice or clerk of any such court. When taken before a notary public, the same shall be attested by his official seal; when taken before a court or the clerk thereof, the same shall be attested by the seal of such court; and when taken before a justice of the peace there shall be added the certificate of the county clerk, under his seal of office, that the person taking such acknowledgment or proof was a justice of the peace in said county at the time of taking the same. If the justice of the peace reside in the county where the lands mentioned in the instrument are situated, no such certificate shall be required. When proved within this state.

Second—When acknowledged or proved without this state and within the United States or their territories, or the District of Columbia, before a justice of the peace, a notary public, commissioner to take acknowledgments of deeds, mayor of a city, clerk of a county, or before any judge, justice or clerk of the supreme or any circuit or district court of the United States, or any judge, justice or clerk of the supreme, circuit, superior, district, county or common pleas court of any of the United States or their territories. When such acknowledgment or proof is made before a notary public, commissioner of deeds, mayor of a city, or clerk, it shall be certified by such officer, under his seal of office. If before a mayor of the city, it shall be certified under the seal of such city; if before a justice of the peace, there shall be added a certificate of the proper clerk, Without this state, but in the United States.

under the seal of his office, setting forth that the person before whom such proof or acknowledgment was made was a justice of the peace at the time of making the same. An acknowledgment or proof may be made in conformity with the laws of the state, territory or district where it is made: *Provided*, that if any clerk of a court of record, within such state, territory or district, shall, under his hand and the seal of such court, certify that such deed or instrument is executed and acknowledged or proved in conformity with the laws of such state, territory or district, or it shall so appear by the laws of such state, territory or district duly proved and certified, copies of the record of such deed, mortgages or other instruments relating to real estate, heretofore or hereafter made and recorded in the proper county, may be read in evidence as in other cases of such certified copies, upon such a certificate of conformity to the laws of the state, territory or district where such deeds, mortgages or other instruments were made and acknowledged, being exhibited therewith or annexed thereto.

When without
the United
States.

Third—When acknowledged or proved without the United States, then before any court of any republic, state, kingdom or empire, having a seal, or any mayor or chief officer of any city or town, having a seal, or before any minister or secretary of legation, or consul of the United States in any foreign country, attested by his official seal, or before any officer authorized by the laws of such foreign country to take acknowledgments of conveyances of real estate, if he have a seal, such deed to be attested by the official seal of such court or officer; and in case such acknowledgment or proof is taken other than before a court of record, or mayor, or chief officer of a town having a seal, proof that the officer taking such acknowledgment was duly authorized by the laws of his country to do so, shall accompany the certificate of such acknowledgment.

When executed
in this state.

§ 21. All deeds, mortgages and other instruments in writing, relating to or affecting any lands, tenements or hereditaments, situated within this state, which have been or may hereafter be executed and acknowledged or proved before any justice of the peace of any county in this state, other than the one in which such lands, tenements or hereditaments lie, and which have been or may be recorded in the county where such lands, tenements or hereditaments do actually lie, shall be adjudged and treated by all courts as legally executed and recorded, notwithstanding there is no certificate attached to said mortgage or other instruments, by the proper officer, that the justice of the peace before whom said deed, mortgage or other instrument was acknowledged or proved, was, at the time of said acknowledgment or proof, an acting justice of the peace of the county in which said deed, mortgage or other instrument purports to have been acknowledged or proved: *Provided*,

that the record or a certified transcript of such record shall not be read in evidence unless the certificate of the proper county clerk, under his official seal, is produced or other competent evidence introduced showing that the person purporting to take such acknowledgment was a justice of the peace at the date such acknowledgment was taken, and for this purpose the certificate of the proper county clerk shall be *prima facie* evidence.

§ 22. Where any deed, conveyance or power of attorney has been or may be acknowledged or proved in any foreign state, kingdom, empire or country, the certificate of any consul or minister of the United States in said country, under his official seal, that the said deed, conveyance, or power of attorney, is executed in conformity with such foreign law, shall be deemed and taken as *prima facie* evidence thereof: *Provided*, that any other legal mode of proving that the same is executed in conformity with such foreign law may be resorted to in any court in which the question of such execution or acknowledgment may arise.

When executed
in a foreign
state.

§ 23. All deeds, conveyances and powers of attorney, for the conveyance of lands lying in this state, which have been or may be acknowledged or proved and authenticated as aforesaid, or in conformity with the laws of any foreign state, kingdom, empire or country, shall be deemed as good and valid in law as though acknowledged or proved in conformity with the existing laws of this state.

Good and valid.

§ 24. No judge or other officer shall take the acknowledgment of any person to any deed or instrument of writing, as aforesaid, unless the person offering to make such acknowledgment shall be personally known to him to be the real person who and in whose name such acknowledgment is proposed to be made, or shall be proved to be such by a credible witness, and the judge or officer taking such acknowledgment shall, in his certificate thereof, state that such person was personally known to him to be the person whose name is subscribed to such deed or writing, as having executed the same, or that he was proved to be such by a credible witness (naming him), and on taking proof of any deed or instrument of writing, by the testimony of any subscribing witnesses, the judge or officer shall ascertain that the person who offers to prove the same is a subscribing witness, either from his own knowledge, or from the testimony of a credible witness; and if it shall appear from the testimony of such subscribing witness that the person whose name appears subscribed to such deed or writing is the real person who executed the same, and that the witness subscribed his name as such, in his presence and at his request, the judge or officer shall grant a certificate, stating that the person testifying as subscribing witness was personally known to him to be the person whose name appears subscribed to such deed, as a witness of the execution thereof,

Acknowledg-
ments of deeds.

or that he was proved to be such by a credible witness (naming him), and stating the proof made by him; and where any grantor or person executing such deed or writing, and the subscribing witnesses, are deceased or cannot be had, the judge or officer, as aforesaid, may take proof of the handwriting of such deceased party and subscribing witness or witnesses (if any); and the examination of a competent and credible witness, who shall state on oath or affirmation that he personally knew the person whose handwriting he is called to prove, and well knew his signature (stating his means of knowledge), and that he believes the name of such person subscribed to such deed or writing, as party or witness (as the case may be), was thereto subscribed by such person; and when the handwriting of the grantor or person executing such deed or writing, and of one subscribing witness (if any there be), shall have been proved, as aforesaid, or by proof of signature of grantor where there is no subscribing witness, the judge or officer shall grant a certificate thereof stating the proof aforesaid.

Evidence of
hand-writing.

§ 25. If any grantor shall not have duly acknowledged the execution of any deed or instrument entitled to be recorded, and the subscribing witness or witnesses be dead, or not to be had, it may be proved by evidence of the handwriting of the grantor, and of at least one of the subscribing witnesses, which evidence shall consist of the testimony of two or more disinterested persons swearing to each signature.

Certificate of
acknowledgment.

§ 26. A certificate of acknowledgment, substantially in the following form, shall be sufficient:

STATE OF [name of state], }
County of [name of county]. }

I [here give name of officer and his official title] do hereby certify that [name of grantor, and if acknowledged by wife, her name, and add "his wife"], personally known to me to be the same person whose name is (or are) subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that -he- (she or they) signed, sealed and delivered the said instrument as his (her or their) free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and (private or official, as the case may be) seal, this [day of the month] day of [month], A. D. [year].

[signature of officer], [SEAL.]

Right of homestead.

§ 27. No deed or other instrument shall be construed as releasing or waiving the right of homestead, unless the same shall contain a clause expressly releasing or waiving such right. And in such case the certificate of acknowledgment shall contain a clause substantially as follows: "including the release and waiver of the right of homestead," or other words which shall expressly show that the parties executing the deed or other instrument intended to release such right. And no release or waiver of the right of homestead by the husband shall bind the wife unless she join in such release or waiver.

To be recorded
in county.

§ 28. Deeds, mortgages, powers of attorney, and other instruments relating to or affecting the title to real estate in

this state, shall be recorded in the county in which such real estate is situated, but if such county is not organized, then in the county to which such unorganized county is attached for judicial purposes. Before any deed or other instrument conveying any land (not including mortgages) shall be received for record in the recorder's office, the same shall be exhibited to the county clerk of the county in which the land is situated, who shall take a minute thereof, showing the grantee and the description of the land conveyed, which shall be kept by such clerk for the purpose of reference in making out the books for the assessment of taxes; and the county clerk shall write upon the back of such deed or other instrument "entered," and sign his name thereto, and the recorder shall not receive said instrument for record until such indorsement is made thereon.

§ 29. Where an original deed, mortgage or other instrument relating to or affecting the title to real estate, having tracts of land therein described lying in different counties, has been or may hereafter be recorded in any of such counties, it shall be lawful to record a certified copy of such deed or other instrument in counties where the original has not been recorded; and the recording of such certified copy heretofore or hereafter shall be notice in the same manner that the filing and recording of the original would be, and copies from such records shall be *prima facie* evidence to the same extent as if the original had been so recorded.

Certified copies
may be recorded

§ 30. All deeds, mortgages and other instruments of writing which are authorized to be recorded, shall take effect and be in force from and after the time of filing the same for record, and not before, as to all creditors and subsequent purchasers, without notice; and all such deeds and title papers shall be adjudged void as to all such creditors and subsequent purchasers, without notice, until the same shall be filed for record.

In force from
time of filing.

§ 31. Deeds, mortgages and other instruments of writing relating to real estate shall be deemed, from the time of being filed for record, notice to subsequent purchasers and creditors, though not acknowledged or proven according to law; but the same shall not be read as evidence, unless their execution be proved in manner required by the rules of evidence applicable to such writings, so as to supply the defects of such acknowledgment or proof.

Notice to pur-
chasers when
filed.

§ 32. All deeds which may be executed by any administrator, executor, guardian, conservator, commissioner, master in chancery, sheriff, or other officer, of any real estate sold in pursuance of any decree or on execution, upon being acknowledged or proved before any officer authorized to take acknowledgment or proof of deeds, and certified as other deeds, shall be admitted to record in the county where the real estate sold is situated.

Execution of
deeds.

Original wills
or copies.

§ 33. All original wills duly proved, or copies thereof duly certified, according to law, and exemplifications of the record of foreign wills made in pursuance of the law of congress in relation to records in foreign states, may be recorded in the same office where deeds and other instruments concerning real estate may be required to be recorded; and the same shall be notice from the date of filing the same for record as in other cases, and certified copies of the record thereof shall be evidence to the same extent as the certified copies of the record of deeds.

Evidence of
title.

§ 34. Where deeds conveying lands in this state have heretofore been or may hereafter be executed by executors, duly qualified in pursuance of due power vested in them by will, executed and proved out of this state, the same shall be evidence of title in the vendee or grantee, to the same extent as was vested in the testator at the time of his death, whether such will has been proved in this state or not, unless, at the time of executing such deed, letters testamentary or of administration upon the estate of the deceased shall have been granted within this state, and remain unrevoked.

May be read
in evidence.

§ 35. Every deed, mortgage, power of attorney, conveyance, or other writing, of or concerning any lands, tenements or hereditaments, which, by virtue of this act, shall be required or entitled to be recorded as aforesaid, being acknowledged or proved according to the provisions of this act, whether the same be recorded or not, may be read in evidence without any further proof of the execution thereof; and if it shall appear to the satisfaction of the court that the original deed, so acknowledged or proved and recorded, is lost or not in the power of the party wishing to use it, the record, or a transcript thereof, certified by the recorder in whose office the same may be recorded, may be read in evidence, in any court of this state, without further proof thereof.

When originals
are lost.

§ 36. Whenever, upon the trial of any cause in law or equity in this state, any party to said cause, or his agent or attorney in his behalf, shall, orally in court, or by affidavit to be filed in said cause, testify and state under oath that the original of any deed, conveyance or other writing, of or concerning lands, tenements and hereditaments, which shall have been or may hereafter be acknowledged or proved according to any of the laws of this state, and which, by virtue of any of the laws of this state, shall be required or be entitled to be recorded, is lost, or not in the power of the party wishing to use it on the trial of any such cause, and that to the best of his knowledge said original deed was not intentionally destroyed or in any manner disposed of for the purpose of introducing a copy thereof in place of the original, the record of such deed, conveyance or other writing, or a transcript of the record thereof, certified by the recorder in whose office the same may have been or may

hereafter be recorded, may be read in evidence in any court in this state, with like effect as though the original of such deed, conveyance or other writing was produced and read in evidence.

§ 37. All affidavits required to be made and produced Affidavits.
under the foregoing section, may be made in any county in this state, before any officer authorized by the laws of this state to administer oaths and affirmations, and may also be made, out of this state, before any judge of a court of record, justice of the peace, clerk of a court of record, notary public, or commissioner appointed under the laws of the state of Illinois to take acknowledgments of deeds, and administer oaths and affirmations, and certified to by the said officer, under his seal of office, if such officer have an official seal; but if taken and certified by any officer who does not require or use an official seal, the certificate of the proper clerk or other officer of the official character of the person certifying to such oath or affirmation shall also be produced with such affidavit and certificate.

§ 38. The term "real estate," as used in this act, shall be construed as co-extensive in meaning with "lands, tenements and hereditaments," and as embracing all chattels real. This act shall not be construed so as to embrace last wills and testaments, except as herein expressly provided. The term "real estate."

§ 39. The following acts and parts of acts are hereby Acts repealed.
repealed: Chapter twenty-four of the Revised Statutes of 1845, entitled "Conveyances," except sections eight, nine, ten, twelve, thirty-one, thirty-two and thirty-three; an act entitled "An act to amend the twenty-fourth chapter of the Revised Laws, entitled 'Conveyances,'" approved February 22, 1847; an act entitled "An act to amend the twenty-fourth chapter of the Revised Statutes, entitled 'Conveyances,'" approved February 15, 1851; an act entitled "An act to amend the twenty-fourth chapter of the Revised Statutes, entitled 'Conveyances,'" approved February 11, 1853; an act entitled "An act to amend chapter twenty-four of the Revised Statutes, entitled 'Conveyances,'" approved March 27, 1869; an act entitled "An act in relation to 'Conveyances,'" approved February 14, 1857; an act entitled "An act to amend chapter twenty-four of the Revised Code of 1845, entitled 'Conveyances,'" approved February 21, 1861; an act entitled "An act to amend the twenty-fourth chapter of the Revised Laws, entitled 'Conveyances,'" approved February 8, 1849, and all other acts and parts of acts inconsistent with the provisions of this act; but the repeal of said acts and parts of acts shall not affect any suits that may be pending or any rights that have accrued when this act shall take effect.

APPROVED March 29, 1872.

CONVICTS.

In force July 1, 1872. AN ACT to allow convicts in the penitentiary a credit in diminution of their sentence, and for their being restored to citizenship upon certain conditions.

Entitled to di-
minution of
time.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That every convict who is now or who may hereafter be confined in the Illinois Penitentiary, and who shall have no infraction of the rules or regulations of the penitentiary or laws of the state recorded against him, and who performs in a faithful manner the duties assigned to him, in an orderly and peaceable manner, shall be entitled to the diminution of time from his sentence as appears in the following table, for the respective years of his sentence, and pro rata for any part of a year where the sentence is for more or less than a year :*

No. of years of sentence.	Good time granted.	Total good time made.	Time to be served if full time is made.
1st year	1 month....	1 month.....	11 months.....
2d "	2 "	3 "	1 year and 9 mos.
3d "	3 "	6 "	2 " 6 "
4th "	4 "	10 "	3 " 2 "
5th "	5 "	1 year and 3 mos.	3 " 9 "
6th "	6 "	1 " 9 "	4 " 3 "
7th "	6 "	2 " 3 "	4 " 9 "
8th "	6 "	2 " 9 "	5 " 3 "
9th "	6 "	3 " 3 "	5 " 9 "
10th "	6 "	3 " 9 "	6 " 3 "
11th "	6 "	4 " 3 "	6 " 9 "
12th "	6 "	4 " 9 "	7 " 3 "
13th "	6 "	5 " 3 "	7 " 9 "
14th "	6 "	5 " 9 "	8 " 3 "
15th "	6 "	6 " 3 "	8 " 9 "
16th "	6 "	6 " 9 "	9 " 3 "
17th "	6 "	7 " 3 "	9 " 9 "
18th "	6 "	7 " 9 "	10 " 3 "
19th "	6 "	8 " 3 "	10 " 9 "
20th "	6 "	8 " 9 "	11 " 3 "
21st "	6 "	9 " 3 "	11 " 9 "
22d "	6 "	9 " 9 "	12 " 3 "
23d "	6 "	10 " 3 "	12 " 9 "
24th "	6 "	10 " 9 "	13 " 3 "
25th "	6 "	11 " 3 "	13 " 9 "

Forfeitures.

§ 2. In case any convict shall be guilty of the violation of any of the rules or laws of the penitentiary or of the state, as above provided, and has become entitled to any diminution of his sentence by the provisions aforesaid, he shall for the first offense forfeit, if he has made so much, two (2) days; for the second offense, four days; for the third offense, eight days; and for the fourth offense, sixteen days; and

in addition thereto whatever number of days more than one, that he is in punishment, shall also be forfeited; for more than four offenses, the warden shall have power to deprive him, at his discretion, of any portion or all of the good time that the convict may have earned, but not less than as provided for the fourth offense.

§ 3. That whenever any convict is committed under several convictions, with separate sentences, they shall not be construed as one continuous sentence under this law, in the granting or forfeiting of good time; and when any convict is committed at the same time with separate sentences, and he should made "good time" under any of those sentences, then the other sentences shall commence to run at the termination of the sentence, under this law, until the sentences are entirely fulfilled. Commitments under several convictions.

§ 4. The warden, in computing the diminution of time for those convicts now in the penitentiary, shall allow them the "good time granted," but not the "good time made," for the year or part of a year of their unexpired sentence, the same as if this law had been in effect at the commencement of their sentence. Convicts now in penitentiary.

§ 5. The governor shall have the right to grant any convict that has been, now is, or may be hereafter confined in the penitentiary, whom he shall deem a proper person to enjoy that privilege, a certificate of restoration to all his rights of citizenship, as provided by law, although such convict may have been guilty of an infraction of the rules and regulations of the prison. The warden, upon request of the governor, shall, in cases of application for such restoration, furnish him a statement of the convict's deportment during his imprisonment, and may at all times make such recommendation to the governor as he shall deem proper respecting the restoration to citizenship of any convict. Restoration to citizenship.

§ 6. All acts and parts of acts in conflict with this act are hereby repealed.

APPROVED March 19, 1872.

AN ACT giving county boards control of county convicts, and to provide work houses for, and the employment of such convicts. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the county board of any county in this state may take charge and control of the convicts committed to the county jail.* Charge and control.

§ 2. The county board in such cases shall provide for the care and maintenance of said convicts. Maintenance.

Workhouses.

§ 3. The county board may provide proper work houses for the employment of such convicts, and may employ them at any kind of labor that may be determined by said board, either in or without such work houses: *Provided*, that this section shall not apply to persons convicted of crimes committed before this act shall go into effect.

County board.

§ 4. The term "county board" or "said board," as used in this act, shall be held to mean and include the board of supervisors, or the board of county commissioners, or county court in counties not under township organization, until after the election and qualification of the board of county commissioners, as the case may require.

APPROVED April 9, 1872.

CORPORATIONS.

In force July 1,
1872.

AN ACT concerning corporations.

For what purpose.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That corporations may be formed in the manner provided by this act, for any lawful purpose except banking, insurance, real estate brokerage, the operation of railroads, and the business of loaning money: *Provided*, that horse and dummy railroads may be organized and conducted under the provisions of this act: *And, provided, further*, that corporations formed for the purpose of constructing railroad bridges shall not be held to be railroad corporations.

Manner of forming.

§ 2. Whenever any number of persons, not less than three nor more than seven, shall propose to form a corporation under this act, they shall make a statement to that effect under their hands and duly acknowledged before some officer, in the manner provided for the acknowledgment of deeds, setting forth the name of the proposed corporation, the object for which it is to be formed, its capital stock, the number of shares of which such stock shall consist, the location of the principal office, and the duration of the corporation, not exceeding, however, ninety-nine years; which statement shall be filed in the office of the secretary of state. The secretary of state shall thereupon issue to such persons a license as commissioners to open books for subscription to the capital stock of said corporation at such times and places as they may determine; but no license shall be issued to two companies having the same name.

§ 3. As soon as may be after the capital stock shall be fully subscribed, the commissioners shall convene a meeting of the subscribers for the purpose of electing directors or managers, and the transaction of such other business as shall come before them. Notice thereof shall be given by depositing in the post office, properly addressed to each subscriber, at least ten days before the time fixed, a written or printed notice, stating the object, time and place of such meeting. In all elections for directors or managers of corporations organized under this act, every subscriber or stockholder shall have the right to vote in person or by proxy, for the number of shares owned or subscribed by him, for as many persons as there are directors or managers to be elected, or to cumulate such shares and give one candidate as many votes as the number of directors or managers multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner. It shall be lawful for any such corporation, by resolution of the stockholders, to divide its board of directors or managers into three classes, numbered consecutively, the term of office of the first class to expire on the day of the annual election of said company then next ensuing; the second class one year thereafter, and the third class two years thereafter. At each annual election after such classification, the stockholders of such company shall elect, for a term of three years, a number of directors or managers equal to the number in the class whose term expires on the day of such election. All other vacancies to be filled in accordance with the by-laws of the corporation.

Meeting of
subscribers.

§ 4. The commissioners shall make a full report of their proceedings, including therein a copy of the notice provided for in the foregoing section, a copy of the subscription list, and the names of the directors or managers elected and their respective terms of office, which report shall be sworn to by at least a majority of the commissioners, and shall be filed in the office of the secretary of state. The secretary of state shall thereupon issue a certificate of the complete organization of the corporation, making a part thereof a copy of all papers filed in his office in and about the organization of the corporation, and duly authenticated under his hand and seal of state, and the same shall be recorded in a book for that purpose, in the office of the recorder of deeds of the county where the principal office of such company is located. Upon the recording of the said copy, the corporation shall be deemed fully organized and may proceed to business. Unless such company shall be organized and shall proceed to business as provided in this act, within two years after the date of such license, then such license shall be deemed revoked, and all proceedings thereunder void.

Report of pro-
ceedings.

Bodies corporate and politic.

§ 5. Corporations formed under this act shall be bodies corporate and politic for the period for which they are organized ; may sue and be sued ; may have a common seal, which they may alter or renew at pleasure ; may own, possess and enjoy so much real and personal estate as shall be necessary for the transaction of their business, and may sell and dispose of the same when not required for the uses of the corporation. They may borrow money at legal rates of interest, and pledge their property, both real and personal, to secure the payment thereof ; and may have and exercise all the powers necessary and requisite to carry into effect the objects for which they may be formed : *Provided, however,* that all real estate so acquired in satisfaction of any liability or indebtedness, unless the same may be necessary and suitable for the business of such corporation, shall be offered at public auction at least once every year, at the door of the court house of the county wherein the same may be situated, or on the premises so to be sold, after giving notice thereof for at least four consecutive weeks in some newspaper of general circulation published in said county ; and if there be no such newspaper published therein, then in the nearest adjacent county where such newspaper is published ; and said real estate shall be sold whenever the price offered for it is not less than the claim of such corporation, including all interest, costs and other expenses : *And, provided, further,* that in case such corporation shall not, within such period of five years, sell such lands either at public or private sale, as aforesaid, it shall be the duty of the state's attorney to proceed by information in the name of the People of the State of Illinois, against such corporation, in the circuit court of the county within which such land, so neglected to be sold, shall be situated, and such court shall have jurisdiction to hear and determine the fact, and to order the sale of such land or real estate at such time and place, subject to such rules as the court shall establish. The court shall tax, as the fees of the state's attorney, such sum as shall be reasonable ; and the proceeds of such sale, after deducting the said fees and costs of proceedings, shall be paid over to such corporation.

Board of directors.

§ 6. The corporate powers shall be exercised by a board of directors or managers : *Provided,* the number of directors or managers shall not be increased or diminished, or their term of office changed, without the consent of the owners of a majority of the shares of stock. The officers of the company shall consist of a president, secretary and treasurer, and such other officers and agents as shall be determined by the directors or managers, and the directors or managers may adopt by-laws for the government of the officers and affairs of the company : *Provided,* they are not inconsistent with the laws of this state. The directors or managers may require of the officers and agents bonds,

with such sureties and conditions as they shall deem proper, and may remove any officers when the interests of the corporation shall require. The officers shall hold their respective offices for the period provided by the by-laws.

§ 7. The shares of stocks shall be not less than ten nor Shares of stock. more than one hundred dollars each, and shall be deemed personal property, and transferable as such in the manner provided by the by-laws, and subscriptions therefor shall be made payable to the corporation, and shall be payable in such installments and at such time or times as shall be determined by the directors or managers, and an action may be maintained in the name of the corporation to recover any installment which shall remain due and unpaid for the period of twenty days after personal demand therefor, or, in cases where personal demand is not made, within thirty days after a written or printed demand has been deposited in the post office, properly addressed to the post office address of the stockholder. The directors may, by by-law, prescribe other penalties for a failure to pay the installments that may from time to time become due, but no penalty working a forfeiture of stock, or of the amounts paid thereon, shall be declared as against any estate before distribution shall have been made, or against any stockholder before demand shall have been made for the amount due thereon, either in person, or by a written or printed notice, duly mailed to the proper address of such stockholder at least thirty days prior to the time when such forfeiture is to take effect: *Provided*, that proceeds of said sale, over and above the amount due on said shares, shall be paid to the delinquent stockholder.

§ 8. Every assignment or transfer of stocks, on which there remains any portion unpaid, shall be recorded in the office of the recorder of deeds of the county within which the principal office is located, and each stockholder shall be liable for the debts of the corporation to the extent of the amount that may be unpaid upon the stock held by him, to be collected in the manner herein provided. No assignor of stocks shall be released from any such indebtedness by reason of any assignment of his stock, but shall remain liable therefor jointly with the assignee until the said stock be fully paid. Whenever any action is brought to recover any indebtedness against the corporation, it shall be competent to proceed against any one or more stockholders at the same time to the extent of the balance unpaid by such stockholders upon the stock owned by them, respectively, whether called in or not, as in cases of garnishment. Every assignee or transferee of stock shall be liable to the company for the amount unpaid thereon, to the extent and in the same manner as if he had been the original subscriber. Transfer of
stocks.

§ 9. The general assembly shall, at all times, have power to prescribe such regulations and provisions as it may deem Legislative re-
gulations and
provisions.

advisable, which regulations and provisions shall be binding on any and all corporations formed under the provisions of this act: *And, provided, further,* that this act shall not be held to revive or extend any private charter or law heretofore granted or passed concerning any corporation.

Powers expired. § 10. All corporations organized under this law whose powers may have expired by limitation or otherwise, shall continue their corporate capacity during the term of two years, for the purpose only of collecting the debts due said corporation, and selling and conveying the property and effects thereof.

Names. § 11. Such corporations shall use their respective names for the purposes aforesaid, and shall be capable of prosecuting and defending all suits in law or equity.

Dissolution. § 12. The dissolution, for any cause whatever, of any corporation created as aforesaid, shall not take away or impair any remedy given against such corporation, its stockholders or officers, for any liabilities incurred previous to its dissolution.

Books of account. § 13. It shall be the duty of the directors or trustees of every stock corporation to cause to be kept at its principal office or place of business in this state, correct books of account of all its business, and every stockholder in such corporation shall have the right at all reasonable times, by himself or by his attorney, to examine the records and books of account of the corporation.

Failure to elect directors. § 14. A failure to elect directors, trustees, or officers in lieu of trustees, on the day named and designated in the by-laws, or on the day for which notice was given for election, shall not have the effect of dissolving the corporation; but such election may be held at any time after proper notice.

Assessments on stock. § 15. All assessments or installments of the stock of any stock corporation shall be levied by the directors in accordance with the provisions of the by-laws, but any assessment or installment required to be paid shall be levied *pro rata* upon all the shares of such stock.

Indebtedness. § 16. If the indebtedness of any stock corporation shall exceed the amount of its capital stock, the directors and officers of such corporation, assenting thereto, shall be personally and individually liable for such excess, to the creditors of such corporation.

Statement of real estate. § 17. The president, secretary or treasurer of every stock corporation shall annually, within twenty days from the first day of December, make a statement in writing, setting forth a description of all real estate to which title was acquired in securing any debt or liability due such corporation, together with the time of acquiring title thereto; which statement shall be verified by the oath or affirmation of such president, secretary or treasurer, and be recorded in the office of the recorder of the county, and filed in the office of the secretary of state.

§ 18. If any person or persons being, or pretending to be, an officer or agent, or board of directors, of any stock corporation or pretended stock corporation, shall assume to exercise corporate powers, or use the name of any such corporation or pretended corporation, without complying with the provisions of this act, before all stock named in the articles of incorporation shall be subscribed in good faith, then they shall be jointly and severally liable for all debts and liabilities made by them and contracted in the name of such corporation or pretended corporation.

Liability for debts, etc.

§ 19. If the directors or other officers or agents of any stock corporation shall declare and pay any dividend when such corporation is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, all directors, officers or agents assenting thereto, shall be jointly and severally liable for all the debts of such corporation then existing, and for all that shall thereafter be contracted, while they shall respectively continue in office.

Dividends.

§ 20. The by-laws of every corporation shall provide for the calling of meetings of the directors, trustees or other officers corresponding to trustees; and when all such officers shall be present at any meeting, however called or notified, or shall sign a written consent thereto on the record of such meeting, the acts of such meeting shall be as valid as if legally called and notified: *Provided*, that the action of any meeting held beyond the limits of this state shall be void, unless such meeting was authorized or its acts ratified by a vote of two-thirds of the directors, trustees or officers corresponding to trustees, at a regular meeting.

Meetings of directors or managers.

§ 21. If any certified report or statement made, or public notice given, by the officers of any corporation shall be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all damages arising therefrom.

False statements.

§ 22. The stockholders of any stock corporation owning two-thirds of the stock in such corporation, upon which all assessments have been fully paid up, may call a meeting of the stockholders of such corporation, by signing a call therefor, with their proper names, stating the number of shares held by each, and filing the same with the president or secretary of such corporation, and publishing the same in a newspaper in this state where the principal office of such corporation is kept, and at the seat of government, for three successive weeks prior to the time fixed for holding such meeting, and mailing a copy thereof to each of the directors of said corporation at his usual place of abode. And the secretary of such corporation shall enter such call upon the records thereof, and the fact of such publication, and mailing such notice, giving the name of such paper,

Meeting of stockholders.

with the dates and places of publication, which shall be *prima facie* evidence thereof.

Executors and
guardians not
liable.

§ 23. No person holding stock in any corporation as executor, administrator, conservator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such corporation; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, conservator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust fund, would have been if he had been living and had been competent to act, and held the stock in his own name.

Executors and
guardians to
represent stock.

§ 24. Every executor, administrator, conservator, guardian or trustee shall represent the stock in his hands at all meetings of any stock corporation, and may vote accordingly as a stockholder, and every person who shall pledge his stock may, nevertheless, represent the same at all meetings, and may vote accordingly, as a stockholder.

Suits in equity
against stock-
holders.

§ 25. If any corporation, or its authorized agents, shall do or refrain from doing any act which shall subject it to a forfeiture of its charter or corporate powers, or shall allow any execution or decree of any court of record for a payment of money, after demand made by the officer, to be returned "no property found," or to remain unsatisfied for not less than ten days after such demand, or shall dissolve or cease doing business, leaving debts unpaid, suits in equity may be brought against all persons who were stockholders at the time, or liable in any way for the debts of the corporation, by joining the corporation in such suit; and each stockholder may be required to pay his *pro rata* share of such debts or liabilities to the extent of the unpaid portion of his stock, after exhausting the assets of such corporation; and if any stockholder shall not have property enough to satisfy his portion of such debts or liabilities, then the amount shall be divided equally among all the remaining insolvent stockholders; and courts of equity shall have full power, on good cause shown, to dissolve or close up the business of any corporation; to appoint a receiver therefor, who shall have authority by the name of the receiver of such corporation (giving the name) to sue in all courts and do all things necessary to closing up its affairs as commanded by the decree of such court.

Foreign corpo-
rations.

§ 26. Foreign corporations, and the officers and agents thereof doing business in this state, shall be subjected to all the liabilities, restrictions and duties that are or may be imposed upon corporations of like character organized under the general laws of this state, and shall have no other or greater powers. And no foreign or domestic corporation

established or maintained in any way for the pecuniary profit of its stockholders or members, shall purchase or hold real estate in this state, except as provided for in this act.

§ 27. The certified copy of any articles of incorporation and changes thereof, together with all indorsements thereon, under the great seal of the state of Illinois, shall be taken and received in all courts and places as *prima facie* evidence of the facts therein stated. Copy of articles of association.

§ 28. Nothing in this act shall be construed to allow the construction or operation of any street railroad in any city, town or incorporated village, without the consent of the local authorities thereof. Street railroads.

§ 29. Societies, corporations and associations (not for pecuniary profit) may be formed as hereinafter provided. Any three or more persons, citizens of the United States, who shall desire to associate themselves for any lawful purpose, other than for pecuniary profit, may make, sign and acknowledge, before any officer authorized to take acknowledgments of deeds in this state, and file in the office of the secretary of state, a certificate in writing, in which shall be stated the name or title by which such corporation, society or association shall be known in law, the particular business and objects for which it is formed, the number of its trustees, directors or managers, and the names of the trustees, directors or managers selected for the first year of its existence. Corporations not for pecuniary profit.

§ 30. Upon filing a certificate as aforesaid, the secretary of state shall thereupon issue a certificate of the organization of the corporation, society or association, making a part thereof a copy of all papers filed in his office in and about the organization thereof, and duly authenticated under his hand and seal of state; and the same shall be recorded in a book for that purpose, in the office of the recorder of deeds of the county in which the principal place of business of such corporation, society or association is located. Upon complying with the foregoing conditions, the corporation, society or association shall be deemed fully organized, and may proceed to business: *Provided*, the secretary of state shall not issue a certificate of organization to any corporation, society or association under the name of any then existing. Certificate of organization.

§ 31. Corporations, associations and societies not for pecuniary profit, formed under this act, shall be bodies corporate and politic, by the name stated in such certificate; and by that name they and their successors shall and may have succession, and shall be persons in law, capable of suing and being sued; may have power to make and enforce contracts in relation to the legitimate business of their corporation, society or association; may have and use a common seal, and may change or alter the same at pleasure. And they and their successors, by their corpo- Bodies corporate and politic.

rate name, shall in law be capable of taking, purchasing, holding and disposing of real and personal estate, for purposes of their organization; may make by-laws, not inconsistent with the constitution and laws of this state or of the United States—in which by-laws shall be described the duties of all officers of the corporation, society or association, and the qualifications of members thereof.

Election of
trustees and
directors.

§ 32. Corporations, associations and societies (not for pecuniary profit) formed under the provisions of this act, shall elect trustees, directors or managers from the members thereof, at such times and places and for such period as may be provided for by the by-laws, who shall have the control and management of the affairs and funds of the corporation, society or association. Said trustees, managers or directors may, upon consent of the corporation, society or association, expressed by the vote of a majority of the members thereof, borrow money, to be used solely for purposes of their organization, and may pledge their property therefor. Whenever trustees, managers or directors shall be elected, a certificate, under the seal of the corporation, giving the names of those elected and the term of their office, shall be recorded in the office of the recorder of deeds where the certificate of organization is recorded. Vacancies in the board of trustees, directors or managers shall be filled in the manner provided by their by-laws, and upon filling any vacancy a like certificate shall be recorded.

Dividend or
distribution of
property.

§ 33. No dividend or distribution of the property of such corporation, society or association shall be made until all debts are fully paid, and then only upon its final dissolution and surrender of organization and name; nor shall any distribution be made except by a vote of a majority of the members. When a distribution of any of their property is contemplated, the trustees, directors or managers shall file a statement, under oath, in the office of the recorder of deeds in the county where the business office is located, that all debts of the corporation, society or association are paid. And in case a distribution shall be made before filing such statement under oath, or if such statement shall be willfully false, said trustees, directors or managers shall be, jointly and severally, liable for the debts of such corporation, society or association. When a final dissolution of any corporation, society or association, organized by virtue of this act, has been agreed upon, the trustees, directors or managers shall file, in the office of the secretary of state, a certificate thereof, under seal of the corporation; and upon the filing of said certificate, such organization shall cease to exist.

Change of ar-
ticles of associ-
ation.

§ 34. Any such corporation, society or association may change its articles of association, in the manner prescribed by their own rules; but no such change shall be of legal effect, until a certificate thereof, under seal of such corpo-

ration, society or association, shall be filed in the office of the secretary of state, and recorded in the office of the recorder of deeds in which the original certificate was recorded.

§ 35. The foregoing provisions shall not apply to any religious corporations; but any church, congregation or society formed for the purpose of religious worship, may become incorporated in the manner following, to-wit: By electing or appointing, according to its usages or customs, at any meeting held for that purpose, two or more of its members as trustees, wardens and vestrymen, (or such other officers whose powers and duties are similar to those of trustees, as shall be agreeable to the usages and customs, rules or regulations of such congregation, church or society,) and may adopt a corporate name; and upon the filing of the affidavit, as hereinafter provided, it shall be and remain a body politic and corporate, by the name so adopted.

§ 36. The chairman or secretary of such meeting shall, as soon as may be after such meeting, make and file in the office of the recorder of deeds in the county in which such congregation, church or society is organized (which shall be recorded by such recorder), an affidavit substantially in the following form:

STATE OF ILLINOIS, }
 County. } ss.

I,, do solemnly swear (or affirm, as the case may be,) that at a meeting of the members of the (here insert the name of the church, society or congregation, as known before incorporation), held at (here insert place of meeting), in the county of, and state of Illinois, on the day of, A. D. 18.., for that purpose, the following persons were elected (or appointed) (here insert their names) trustees, (or wardens, vestrymen or officers by whatever name they choose to adopt, with powers and duties similar to trustees), according to the rules and usages of such (church, society or congregation). And said (church, society or congregation) adopted as its corporate name (here insert the name). And at said meeting this affiant acted as (chairman or secretary, as the case may be).

(Name of affiant.)

Subscribed and sworn to before me this day of, A. D. 18..

Such affidavit, or a copy thereof duly certified by the recorder, shall be received as evidence of the due incorporation of such congregation, church or society.

§ 37. The term of office of the trustees of any such corporation may be determined by the rules or by-laws of the congregation, church or society.

§ 38. A failure to elect trustees at any time shall not work a dissolution of such corporation, but the trustees last elected shall be considered as in office until their successors are elected.

§ 39. All elections of trustees after the first, and elections to fill vacancies, may be called and conducted upon such notice and in such manner as may be provided by the rules, usages or by-laws of the congregation, church or society, but the qualification and number of the trustees shall,

at all times, be the same as required in the thirty-fifth section of this act. No certificate of election, after the first, need be filed for record.

Removal from
office.

§ 40. A trustee may be removed from office by an election, called and conducted in like manner as elections for trustees, or his office declared vacant for a failure to act, immoral conduct, or for an abandonment of the faith of the congregation, church or society.

Real and per-
sonal property.

§ 41. Upon the incorporation of any congregation, church or society, all real and personal property held by any person or trustees for the use of the members thereof, shall immediately vest in such corporation and be subject to its control, and may be used, mortgaged, sold and conveyed the same as if it had been conveyed to such corporation by deed; but no such conveyance or mortgage shall be made so as to affect or destroy the intent or effect of any grant, devise or donation that may be made to such person or trustee for the use of such congregation, church or society.

Gifts and pur-
chases of land.

§ 42. Any corporation that may be formed for religious purposes under this act, or under any law of this state for the incorporation of religious societies, may receive, by gift, devise or purchase, land, not exceeding in quantity (including that already held by such corporation) ten acres, and may erect or build thereon such houses, buildings or other improvements as it may deem necessary for the convenience and comfort of such congregation, church or society, and may lay out and maintain thereon a burying ground; but no such property shall be used except in the manner expressed in the gift, grant or devise, or, if no use or trust is so expressed, except for the benefit of the congregation, church or society for which it was intended.

Trustees to
control property

§ 43. The trustees shall have the care, custody and control of the real and personal property of the corporation, subject to the direction of the congregation, church or society, and may, when directed by the congregation, church or society, erect houses or buildings and improvements, and repair and alter the same, and may, when so directed, mortgage, incumber, sell and convey any real or personal estate of such corporation, and enter into all lawful contracts in the name of and in behalf of such corporation: *Provided*, that no mortgage, incumbrance, sale or conveyance shall be made of any such estate, so as to defeat or destroy the effect of any gift, grant, devise or bequest which may be made to such corporation; but all such gifts, grants, devises and bequests shall be appropriated and used as directed or intended by the person or persons making the same.

Societies here-
tofore incorpo-
rated.

§ 44. Any congregation, church or society, heretofore incorporated under the provisions of any law for the incorporation of religious societies, may become incorporated under the provisions of this act, relative to religious societies, in the same manner as if it had not previously been in-

corporated, in which case the new corporation shall be entitled to and invested with all the real and personal estate of the old corporation, in like manner and to the same extent as the old corporation, subject to all the debts, contracts and liabilities. The word trustees, wherever used in this act, shall be construed to include wardens and vestrymen, or such other officers as perform the duties of trustees.

§ 45. Any congregation, church or society, incorporated under this act, may receive, by grant, devise or bequest, real estate, not exceeding forty acres, for the purpose of holding camp meetings, and may put such improvements thereon as they may deem for their comfort and convenience. The title to such real estate shall be in such corporation, subject to like conditions as are provided in this act in regard to other real estate held by such corporation. Camp meetings.

§ 46. The trustees, or any other persons designated by any such congregation, church or society incorporated under this act, shall have power to publish, print, circulate, sell or give away such religious, Sabbath school and missionary tracts, periodicals or books as they may deem necessary to the promotion of religion and morality. Religious books and tracts.

§ 47. This act is subject to any limitation or modification which may be hereafter enacted by general law, as to the amount of real estate and personal property to be held by the corporations respectively provided for herein for religious purposes. Subject to modification.

§ 48. No corporation, association or society for any purpose authorized by this act shall be formed under any other act.

§ 49. All acts or parts of acts in conflict with the provisions of this act are hereby repealed: *Provided*, that the repeal of said acts shall not affect any corporations existing under any such acts, or any rights or liabilities that may have accrued when this act shall take effect; but such rights and liabilities shall remain as though this act had not been passed. Acts repealed.

APPROVED April 18, 1872.

COUNTY COMMISSIONERS.

In force July 1, 1871. AN ACT to provide for the election of a Board of Commissioners in Cook county and to prescribe their duties.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That on the first Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, there shall be elected, by the legal voters of Cook county, fifteen commissioners, five of whom shall hold their office one year, five two years, and five three years, to be determined by lot: and annually thereafter there shall be elected five commissioners, for the term of three years. Any vacancy may be filled at the next annual election. Ten of said commissioners shall be elected from the city of Chicago, and five of said commissioners shall be elected from the towns outside of said city, as follows: one from the district composed of Lake View, Jefferson, Niles, Evanston, New Trier, and Northfield; one from the district composed of the towns of Wheeling, Palatine, Barrington, Hanover, Schaumburg, Elk Grove, and Maine; one from the district composed of the towns of Leyden, Cicero, Proviso, Riverside, Lyons, and Lake; one from the district composed of the towns of Hyde Park, Worth, Calumet and Thornton, and one from the district composed of the towns of Bloom, Rich, Bremen, Orland, Palos and Lemont. The commissioners elected under this act shall be elected upon a general ticket, and the votes shall be returned and canvassed the same as for other county officers. Their term of office shall begin on the first Monday of December, after their election, and they shall hold their office until their successors are elected and qualified.

§ 2. The said commissioners shall take the oath of office prescribed by the constitution. They shall have regular meetings on the first Mondays of December, March, June and September of each year. They shall be known as "The Board of Commissioners of Cook county," and as such board of commissioners shall supersede the board of supervisors in Cook county in the management of the county affairs of said county, and shall exercise the same powers, perform the same duties, be subject to the same rules, regulations and penalties, and receive the same compensation for their services as prescribed by law for the board of supervisors.

APPROVED April 22, 1871.

COUNTY SEATS.

AN ACT to provide for the removal of county seats.

In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all elections for the removal of county seats shall be held on the second Tuesday after the first Monday of November, at the usual places of holding elections; and the same persons who were judges and clerks of the next preceding general election, in their respective election precincts, shall act as judges and clerks of such county seat elections; and all vacancies in the respective boards of election shall be filled in the same manner as at general elections.

Elections for
removal.

§ 2. Public notice shall be given of the intention to circulate a petition praying for an election for the removal of the county seat of any county from its then present location to some other point within said county, and in said petition designated, at least ten days before the same is circulated, by publication in some newspaper printed in said county, and by posting three printed notices in three public places at the county seat, one of which shall be placed on the court house door, and a like number at the place to which the county seat is proposed to be removed, in which notices the intent of such petition shall be set forth; and all signers to such petition procured before such notice is given or procured, six months before the first day of the term of court at which the application is to be made, shall be void, and stricken from such petition; and whenever such petition or petitions, addressed to the county court of such county, and stating the time when such election shall be held, shall be signed by a number of legal voters of said county, at general elections, who are not residents of the city, or township (if the county seat is not in a city) in which the county seat is located, equal in number to two-fifths of all the votes cast in said county at the last preceding presidential election therein, and shall be filed in the office of the clerk of the county court of said county, not less than forty nor more than eighty days before the first day of the next September term of the county court in such county, such petition shall be deemed a proposal to remove the county seat of such county, and the point designated in said petition shall be deemed and taken as fixed by said petition, in pursuance of law, whenever the court shall order an election to such point as hereinafter provided, as the point to which it is proposed to remove the county seat of such county. There shall also be filed in the office of said clerk, with said petitions, an affidavit of three legal voters

Notice of pe-
tition.Affidavit of lo-
cal ty.

of said county, stating whether or not the point named in said petition or petitions, to which it is proposed to remove the county seat of such county, is nearer to or further from the center of such county than the county seat; which affidavit may be traversed by the affidavit of any other three legal voters of said county, within ten days from the filing thereof; and if so traversed the county court shall, at the next September term of said court, after hearing evidence in the case, decide whether or not the point to which it is proposed to remove the county seat, is nearer to or further from the center of said county than the county seat.

Residence of
signers.

§ 3. Each petitioner signing such petition shall write or cause to be written opposite to his name on said petition, the name of the city and ward in which he then resides, if he resides in a city, or if he does not reside in a city, then the name of the precinct or township in which he resides at the time of signing such petition; and no person shall sign such petition unless he shall be, at the time, a legal voter in said county at general elections.

To be open to
inspection.

§ 4. Said petition or petitions shall, after the same are filed in the office of the clerk of the county court, be open to the inspection of any and all citizens of the county, but shall not be removed therefrom.

Contest of pe-
tition.

§ 5. Any citizen and legal voter at general elections in said county, may contest the right of any person whose name is subscribed to said petition, to sign such petition under this act, and shall also have the right to contest said petition as to any names subscribed thereto that he shall have good reason to believe, and does believe, are fictitious, and no others: *Provided*, he shall, ten days before the first day of the next September term of the county court, file in the office of the clerk of the county court of such county, a list of the names of such persons whose right to sign such petition he is desirous of contesting, together with his affidavit, indorsed thereon, that he has good reason to believe, and does verily believe, that such persons named in said list are not legal voters of such county, and had no right in law to sign said petition; and shall also file in the office of said clerk, ten days before said September term of the county court, a list of such names as he has reason to believe are fictitious, together with his affidavit, indorsed thereon, that he has good reason to believe, and does verily believe, that such names are fictitious; and such persons shall have the right to contest such petitions only as to the names included in said lists.

When petition
and affidavit are
filed.

§ 6. Whenever such petition or petitions and affidavit named in section two of this act shall be filed in the office of the clerk of the county court of such county, it shall be the duty of the clerk, within ten days from the date of the filing of said petition or petitions and affidavit in his said office, to cause to be published in one or more newspapers published in such county, and if no newspaper shall be published in

said county then in the newspaper published nearest to the county seat of said county, a notice that such petition or petitions and affidavit have been filed in his said office, stating the time when they were so filed, and setting forth therein the substance of such petition or petitions and affidavit, and giving notice that on the first day of the next September term of said court, said court will hear testimony for and against said petitions, as to the list or lists of names on such petition, as may be filed in his office under and in compliance with section five of this act, and for or against such affidavit if the same has been traversed as provided in section two of this act. It shall be the duty of said court, on the first day of and during the said September term, to hear all evidence for and against said petition or petitions, as to the list or lists of names, filed in said court under section five of this act, and to strike from such petition or petitions all such names proven by competent evidence to be fictitious, or the names of persons having no legal right to sign the same under this act; and in case there shall be but one petition and no contest as to the same, or if there shall be a contest as to the same, and said petition shall, after striking therefrom all fictitious and illegal names, still contain the number of names of legal voters required by the second section of this act, the court shall order said election, according to the prayer of said petition. But in case there shall be two petitions filed in said court, praying for a vote to remove the county seat of such county to different points in said county, each, after striking therefrom all illegal and fictitious names, still being signed by two-fifths of the legal voters of the county, as required by section two of this act, then if the petition praying for a vote to remove the county seat nearer to the geographical centre of the county than the point named in the other petition shall be signed by a number of names equal to or greater than one-half of the sum of the names signed to the two petitions, the said court shall order the election for the removal of the county seat to that point nearest to the geographical centre of the county, according to the prayer of said petition; but if the other of said two petitions shall be signed by a number of legal voters of said county equal to three-fifths of the sum of the names signed to the two petitions, then the court shall order the election for the removal of the county seat of such county to said last mentioned point, and not otherwise. In case of a contest as to said petition or petitions, as provided for in this act, it shall be the duty of the clerk of said court, on request of the person contesting any petition under the provisions of this act, to issue subpoenas for such witnesses as said person shall name; and it shall be the duty of said clerk, on request of any legal voter of the county, for the purpose of sustaining any petition, in like manner to issue subpoenas for such witnesses as he shall name—said sub-

poenas to be made returnable to the term of court at which such contest will be made.

Cases of contest shall have precedence.

§ 7. All cases of contest arising upon said petitions or affidavit shall have precedence over all other cases at the September term of said court, and shall be heard and determined at said term, and the decision of the county court shall be final. And in case of the sickness or other inability of said county judge to preside, or in case of a vacancy in said office, then it shall be the duty of the circuit judge of the circuit in which said county is located, to attend, hear and determine said contest.

Judges of election.

§ 8. Whenever the court shall order any county seat election under the provisions of this act, the court shall appoint three resident legal voters of the point to which it is proposed to remove the county seat, for each and every voting place in the city, precinct or township in which the county seat is situated, also to appoint three resident legal voters of the county seat for each and every voting place in the city, precinct or township to which it is proposed to remove the county seat, to sit with the regular judges to act as challengers of election at the voting places to which they are respectively assigned, and it shall be their duty to act as such challengers and to challenge any and all persons whom they have good reason to believe are not legal voters at such county seat election, and they shall sit with such judges of election until the close of said election, and during the canvass of the votes at said election. The said challengers, who are thus appointed to act with the regular judges of election, may, if they desire so to do, make an affidavit before any person authorized to administer oaths, setting forth in such affidavit that they have been appointed, as above provided, out of the city, precinct, township or ward where they would otherwise be voters, and that they desire to vote at such county seat election; which affidavit, together with the ballot, shall be sealed up in an envelope and left with one of the judges of election for the precinct, and on the day of election shall be by him presented to the board of election and opened in their presence. The affidavit shall be filed, kept and returned with the ballots for that precinct as other affidavits are, and the ballot shall be numbered and deposited in the ballot box, and the name entered on the poll books the same as other votes are.

Challengers.

Ballots.

§ 9. The voting at any county seat elections shall be by ballot, and each ballot shall have printed or written thereon the words "For removal," or "Against removal." The polls shall be opened at eight o'clock A. M., and remain open until six o'clock P. M., at which time the polls may be closed, unless a majority of the board shall determine to keep open later. But the polls shall not, in any event, be kept open later than eight o'clock P. M. of the day of said election.

§ 10. No registration of voters shall be made or required for holding any county seat election under this act. The board of election shall, in each township, precinct or ward, keep two lists or poll books of the names of the persons whose votes are received; each name shall be numbered, and a corresponding number marked on each ballot before it is placed in the ballot box, which said poll books shall each be certified as correct by the judges and clerks of election. At the close of the polls in each precinct, township or ward, the board of election shall canvass the votes cast at such poll or voting district, and shall make two tally lists, one of which, together with one of the aforesaid poll books, and the ballots cast in such precinct, township or ward, properly strung, and the affidavits made at such election, and certificate of the result of said election made and certified by such board, shall be sealed up together and delivered by one of the board of election, to be selected by the said board at that time, to the county clerk, within four days thereafter. The other poll book and tally list shall be retained by one of the judges of election for that township, precinct or ward.

No registration of voters required.

§ 11. No person shall vote at said election who does not possess the qualifications mentioned in the affidavit in this section. Any person offering to vote at any county seat election, whose right to vote shall be challenged by any challenger, member of the board of election, or by any voter of the county, shall answer under oath such questions as may be propounded to him touching his qualifications as a voter, and shall take and subscribe the following oath:

When vote is challenged.

STATE OF ILLINOIS, } ss.
 ... County.

I do solemnly swear that I am a citizen of the United States, and of this state, (or I was an elector in this state on the first of April, eighteen hundred and forty-eight, or obtained a certificate of naturalization before a court of record in this state prior to the first of January, eighteen hundred and seventy, and); that I am above the age of twenty-one years; that I have resided in this state for one year immediately preceding this election; that I am a *bona fide* resident of this county, and have permanently resided herein for the last six months immediately preceding this election; that I am a legal voter of (here insert the name of the election precinct,) and have permanently resided therein for the last ninety days immediately preceding this election, and that I have not voted at this election.

Oath of voters.

(Signed)

A.... B....

He shall also procure two witnesses, who are at that time legal voters of the township or precinct, who shall take and subscribe the following oath, namely:

Witnesses.

STATE OF ILLINOIS, } ss.
 ... County.

We the undersigned do solemnly swear that we are voters, and legally entitled to vote at this election; that we have known A.... B..., the person now offering to vote at this election, for six months; that he has been a permanent resident of this county for six months last past, and for the ninety days immediately preceding this election has permanently resided in (township or precinct.)

C.... D....,
 E.... F....

Fraudulent
votes.

Which oaths shall be subscribed and sworn before any officer authorized to administer oaths. The board of election shall receive and count the vote of any challenged person who shall present to them with his vote the oaths aforesaid. The said oaths shall all be carefully preserved by the board of election, and returned and kept with the poll book, tally list and ballots, as provided by this act. Any person swearing falsely concerning his right to vote, or concerning the right of another to vote at any such election, or any person who shall cast a fraudulent vote at any such election, or who shall vote at such election not having a right to vote at such election, or who shall cast a vote at such election in any other name than his own, or who shall vote more than once at such election, shall be deemed guilty of a high misdemeanor, shall be liable to be indicted therefor, and shall, on conviction, be punished by confinement in the penitentiary to hard labor for a term of not less than one year nor more than five years.

Number of vot-
ers in county.

§ 12. The number of legal votes cast at any county seat election held under this act, shall be deemed and taken for the purposes of such an election as *prima facie* evidence of the number of legal voters of that county at that time entitled to vote on the question; but in case it shall become necessary, in consequence of a contest of an election held under this act, to ascertain the number of voters of the county entitled to vote upon the question, the court in which the contest may be pending, may ascertain the number of such voters by taking, or causing to be taken, legal evidence, tending to show the actual number of the legal voters of the county entitled to vote upon such question at the time of such election. Courts of equity shall have jurisdiction of all cases of contested election arising under this act, and may investigate and determine all questions of fraud and fraudulent voting connected therewith, and purge the poll books and returns of all illegal or fraudulent votes; and may investigate and ascertain the total number of legal voters of the county at the time of such election entitled to vote on the question, whether they voted or not, and ascertain and determine whether or not such election was fairly carried by three-fifths or a majority of all the legal voters of the county, as required by the constitution, and make such decree as the circumstances of the case may require. Any of the legal voters and taxpayers of the county who may desire so to do, as well as the town, city or village to or from which it is proposed to remove such county seat, may be made, or on their petition may become parties to such suits, either as complainant or defendant.

Canvass of
votes.

§ 13. On or before the first Tuesday after said election, the clerk of the county court shall summon to his aid two justices of the peace, one of whom shall be a resident of the place to which it is proposed to remove the county seat,

and the other a resident of the county seat, if such there be, and if there be no justices of the peace resident in those places, then any two justices of the peace of said county, who shall, together with said clerk, open and canvass the votes and returns of said election, made and filed in his office, in the same manner as now provided by law in the case of elections for county officers; the result of which canvass shall, by the clerk of the county court, be spread on the records of the county court in counties not under township organization, and on the records of the board of supervisors in counties under township organization, and also by him be duly certified to the secretary of state.

§ 14. When the attempt is made by such an election to remove a county seat to a point nearer to the center of such county than the county seat then is, and a majority of the legal voters of said county entitled to vote on the question of removal shall be "for removal," the county seat is thereby removed to the point named in the petition. When the attempt is made by such an election to remove a county seat to a point not nearer to the center than the county seat then is, and three-fifths of the legal voters of such county entitled to vote on the question shall be "for removal," then said county seat of said county is thereby removed to the point named in the petition.

Number of
votes necessary

§ 15. Any member of the board of election, county judge, associate justice, county clerk, sheriff, or any other officers or persons who may be charged with the performance of any duty under this act, and who shall willfully fail therein, or shall perform such duty otherwise than is in this act prescribed, shall be deemed guilty of a misdemeanor, shall be liable to be indicted therefor, and on conviction shall be fined not less than five hundred dollars nor more than five thousand dollars, or imprisoned in the county jail not less than six months nor more than one year, or both.

Failure to perform duties.

APPROVED March 15, 1872.

COUNTIES.

AN ACT to repeal part of section ten (10) of an act entitled "An act to create and organize the counties therein named." In force March 10, 1871.

WHEREAS, by an act entitled "An act to create and organize the counties therein named," in force January 15, 1831, it is provided by section ten (10), which reads as follows: "The public buildings at Chicago shall be erected

Preamble.

on the public square, as laid off by the canal commissioners, on the south side of the Chicago river, and on the public square laid off at Ottawa, on the north side of the Illinois river; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of said section ten (10) of the act above referred to as requires the jail of LaSalle county to be erected on the public square in Ottawa, be and the same is hereby repealed.

§ 2. Inasmuch as the jail of the said county of LaSalle is in a bad condition, and the board of supervisors of said county desire to proceed immediately to erect a new jail, and have already appropriated money for that purpose, an emergency exists requiring that this act should take effect immediately: therefore, this act shall take effect and be in force from and after its passage.

APPROVED March 10, 1871.

Part of act re-
pealed.

Emergency.

In force July 1,
1872.

AN ACT to attach the county of Tazewell to the central grand division.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county of Tazewell be detached from the northern grand division and be added to the central grand division; and that hereafter the said county of Tazewell shall constitute and form a part of the central grand division, for all judicial purposes: *Provided,* that nothing herein contained shall in any manner interfere with any suit now pending in the supreme court for the northern grand division, either upon appeal from or on writs of error to the said county of Tazewell. But that all appeals heretofore prayed for from or writs of error sued out to said county of Tazewell, shall be heard and determined in the supreme court for the said northern grand division.

APPROVED April 3, 1872.

COURTS—CIRCUIT.

AN ACT to fix the times of holding courts in the first judicial circuit.

In force March
15, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the times of holding circuit courts in the several counties composing the first judicial circuit, shall be, in each year, as follows, to-wit:

Spring Term.—In the county of Greene, on the first Monday of March; in the county of Jersey, on the third Monday of March; in the county of Calhoun, on the second Monday of April; in the county of Scott, on the fourth Monday of April; in the county of Morgan, on the second Monday of May.

Summer Term.—In the county of Morgan, on the third Monday of August. This August term shall be devoted exclusively to the impaneling of a grand jury, the trial of criminal cases, and the transaction of any business in civil and chancery cases, not requiring a jury trial, or where a jury may be waived.

Fall Term.—In the county of Greene, on the first Monday of September; in the county of Jersey, on the third Monday of September; in the county of Calhoun, on the second Monday of October; in the county of Scott, on the fourth Monday of October; in the county of Morgan, on the second Monday of November.

§ 2. It is hereby declared that an emergency exists that this act should take effect and be in force immediately on its passage, by reason of a necessity for the proposed change, in order to secure the prompt administration of justice in said counties, and therefore this act shall take effect and be in force from and after its passage. Emergency.

APPROVED March 15, 1872.

AN ACT to fix the time of holding the circuit court in the several counties composing the second judicial circuit. In force Jan. 12, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the time for holding the circuit court in the second judicial circuit of this state shall be as follows: Time of holding court.

In the county of Monroe, on the first Mondays in March and September.

In the county of Randolph, on the second Mondays thereafter.

In the county of Washington, on the second Mondays thereafter.

In the county of Marion, on the third Mondays thereafter.

In the county of Clinton, on the third Mondays thereafter.

And in the county of Marion, on the second Monday of January.

Notify circuit clerks.

§ 2. The secretary of state shall immediately transmit to the clerk of the circuit court of the said several counties a certified copy of this act.

Emergency.

§ 3. An emergency having arisen, whereby it is necessary for the interests of the people of Washington county that an additional week should be added to their spring and fall terms of circuit court; and whereas it is necessary for the interest of the people of Marion county that the February term of the circuit court of said Marion county, heretofore created, should be abolished: therefore this act shall be in force and take effect from and after its passage.

§ 4. All laws in conflict with the provisions of this act are hereby repealed.

APPROVED January 12, 1872.

In force Jan. 31, 1872.

AN ACT to create an additional term of the circuit court in Jackson county, and to fix the times of holding the circuit court in the several counties composing the third judicial circuit.

Additional term

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter there shall be held, annually, an additional term of the circuit court in Jackson county, with all the powers, duties, rights and privileges belonging, appertaining or incident to the regular terms of the circuit court in said county.

Times of holding court.

§ 2. The times for holding the regular terms of the circuit court in the several counties composing the third judicial circuit, shall hereafter be as follows:

In Union county, on the second Monday in April and the fourth Monday in October.

In Jackson county, on the fourth Monday in August, the third Monday in May, and the fourth Monday in November.

In Perry county, on the first Monday in May and the second Monday in November.

Repealed.

§ 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Emergency.

§ 4. Whereas the accumulation of suits, prosecutions and business in the circuit court of Jackson county renders

it necessary that the first additional term of said court be held on the fourth Monday in August, in the year of our Lord eighteen hundred and seventy-two, an emergency exists, rendering it necessary that this act should take effect immediately: therefore this act shall take effect and be in force from and after its passage.

APPROVED January 31, 1872.

AN ACT to fix the times of holding courts in the fourth judicial circuit. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the times of holding court in the fourth judicial circuit shall hereafter be as follows:*

In the county of Effingham, on the first Tuesdays of April and September of each year.

In the county of Crawford, on the first Mondays of May and October of each year.

In the county of Clark, on the fourth Mondays of May and October of each year.

In the county of Jasper, on the third Mondays of June and November of each year.

In the county of Cumberland, on the second Mondays of July and December of each year.

APPROVED April 5, 1872.

AN ACT to attach Mercer county to the sixth judicial circuit, and to provide for the time of holding courts in said county. In force Jan. 4, 1872.

WHEREAS the business of the tenth judicial circuit for the state of Illinois is so great that it is impossible for the presiding judge to transact the same, whereby great numbers of cases have accumulated in each county composing said judicial circuit, and by reason thereof an emergency exists making it necessary to take the county of Mercer from said tenth judicial circuit, and attach the same to the sixth judicial circuit, in order to equalize the business of said judicial circuits; and whereas, also, the condition of said business in said tenth judicial circuit creates an emergency, demanding immediate change; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the county of Mercer be detached from the tenth judicial circuit, and that the same be attached to the sixth judicial circuit;* Mercer county.

and that the terms of court in said county shall commence on the fourth Mondays of March and November and the second Monday in August in each year: *Provided*, that no grand jury shall be summoned for the August term, unless, in the opinion of the judge of said circuit, it shall be necessary for the speedy administration of justice and the public good.

§ 2. All laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED January 4, 1872.

In force Jan. 12, 1872. AN ACT to regulate the time of holding courts in the eighth judicial circuit.

Time of holding courts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the regular terms of the circuit court in the eighth judicial circuit shall be held as follows: In the county of McLean, on the third Monday in August, the first Monday in November, the fourth Monday in January, and the first Monday in May. In the county of DeWitt, on the third Monday in September, the first Monday in December, and the first Monday in March. In the county of Logan, on the first Monday in October, the first Monday in January, and the first Monday in April.

Processes returnable.

§ 2. All processes issued and made returnable to the terms of said circuit court, as heretofore provided by law, shall be deemed and taken as returnable to the terms of said circuit court, as provided for in this act.

§ 3. The regular grand jury in each of the counties of said circuit shall be convened as follows: In the county of McLean, at the regular terms in August and January. In the county of DeWitt, at the regular terms in December and March. In the county of Logan, at the regular terms in October and April.

Emergency.

§ 4. Whereas by the great increase of legal business in the counties of McLean and DeWitt, and the insufficient number of terms of said court in said counties, an emergency has arisen as a reason why this act shall take effect immediately: therefore this act shall take effect and be in force from and after its passage.

APPROVED January 12, 1872.

AN ACT to define the ninth judicial circuit, and to fix the time of holding circuit court therein. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the counties of LaSalle and Bureau shall constitute and be the ninth judicial circuit of this state.

§ 2. That there shall be three terms of the circuit court Terms of court. held in each year in each county :

In the county of LaSalle, to commence as follows : On LaSalle county the first Monday in February, on the second Monday in May, and on the second Monday in October : *Provided*, that the first two weeks of the said May term shall be set apart for chancery business only.

In the county of Bureau, to commence as follows : On Bureau county. the third Monday in March, on the fourth Monday in August, and on the first Monday in December.

§ 3. That all acts or parts of acts in conflict with this act are hereby repealed.

APPROVED March 27, 1872.

AN ACT to regulate the time of holding court in the twelfth judicial circuit of this state. In force Feb. 9, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the circuit court in the twelfth judicial circuit shall be held as follows, viz :

SPRING TERMS.

In the county of Jefferson on the first Monday of March; in the county of Hamilton on the second Mondays thereafter; in the county of Wayne on the second Mondays thereafter; in the county of Edwards on the second Monday thereafter; in the county of Wabash on the first Monday thereafter; in the county of White on the second Monday thereafter.

FALL TERMS.

In the county of Jefferson on the second Monday in August; in the county of Hamilton on the third Mondays thereafter; in the county of Wayne on the second Mondays thereafter; in the county of Edwards on the second Monday thereafter; in the county of Wabash on the first Monday thereafter; in the county of White on the second Monday thereafter.

Secretary of state. § 2. The secretary of state shall immediately transmit to the clerks of the circuit court of each of said counties a certified copy of this act.

Emergency. § 3. In consequence of the want of convenience to the inhabitants of said counties, and of parties litigant in said courts, and the time heretofore allotted to the court in White county, being insufficient for the transaction of the criminal and civil business in the circuit court of said White county, an emergency and necessity exists for this act to take effect and be in force before the first day of July next. This act shall, therefore, take effect and be in force from and after its passage.

APPROVED February 9, 1872.

In force July 1, 1872. AN ACT to define the twentieth judicial circuit and to fix the time of holding court therein.

Counties composing circuit. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the twentieth judicial circuit shall be composed of the counties of Kankakee, Iroquois, Livingston and Ford, and the terms of court in said counties shall be begun and held as follows:

In the county of Livingston, on the first Tuesdays of January and May and the second Tuesday of October; Iroquois, on the first Tuesdays of March and November and the third Tuesday of June; Kankakee, on the first Tuesdays of April and December and the third Tuesday of September; Ford, on the third Monday of February and third Tuesday of August.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

APPROVED April 9, 1872.

In force July 1, 1871. AN ACT to fix the time of holding the circuit court in the several counties composing the twenty-first judicial district.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the time for holding the circuit court in the twenty-first judicial circuit of this state shall be as follows:

In the county of Tazewell on the first Mondays in February, May, September and December; in the county of Mason on the first Monday in March, the second Monday in August, and four weeks after the first Monday in Octo-

ber; in the county of Menard on the fourth Monday in March, and first Monday in October; in the county of Cass on the second Monday after the fourth Monday in March, and the third Monday in October.

§ 2. All laws in conflict with the provisions of this act are hereby repealed.

APPROVED April 15, 1871.

AN ACT to fix the times of holding the courts in the twenty-second judicial circuit. In force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the times of holding circuit courts in the several counties composing the twenty-second judicial circuit shall be as follows: In the county of Whiteside on the fourth Monday in August, the first Monday in December the second Monday in March and the second Monday in June; in the county of Carroll on the third Monday in September, the first Monday in January and the second Monday in April; in the county of Ogle, the first Monday in October, the third Monday in January, and the fourth Monday in April; in the county of Lee on the fourth Monday in October, the second Monday in February and the third Monday in May.

APPROVED April 12, 1871.

AN ACT to change the times of holding courts in the twenty-seventh judicial circuit, and to repeal an act therein named. In force March 22, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the times for holding courts in the several counties composing the twenty-seventh judicial circuit of this state shall be as follows, to-wit: Times of holding court.

In the county of Douglas, on the first Tuesday in February and the fourth Tuesday in August, in each year.

In the county of Edgar, on the second Tuesdays thereafter.

In the county of Vermilion, on the third Tuesdays thereafter.

In the county of Coles, on the fourth Tuesdays thereafter.

§ 2. An act entitled "An act to fix the times of holding circuit courts in the twenty-seventh judicial circuit, and for other purposes," approved January 30th, 1869, shall be and the same is hereby repealed. Repealed.

Transmit act
to clerks.

§ 3. The secretary of state shall, immediately after the passage of this act, transmit to the clerks of said courts a certified copy of this act.

Emergency.

§ 4. And whereas an additional week is required to the time now limited by law, in order to the proper disposition of business in said court in Vermilion county to be transacted at its next term, whereby an emergency has arisen, as a reason why this act should take effect forthwith: therefore, this act shall take effect and be in force from and after its passage.

APPROVED March 22, 1872.

In force July 1, 1872. AN ACT to define the twenty-eighth judicial circuit, and to fix the time of holding circuit court therein.

Counties.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That hereafter the counties of Kane, DuPage and Kendall shall constitute and be the twenty-eighth judicial circuit in this state.

Terms.

§ 2. That there shall be three terms of the circuit court held each year in the county of Kane, to commence as follows: On the first Monday of February, on the first Monday of May, and on the first Monday of October.

In the county of DuPage, as follows: Commencing on the third Monday of March, and on the third Monday in September.

In the county of Kendall, to commence as follows: On the second Monday of January, and on the fourth Monday in May.

Repealed.

§ 3. That all acts or parts of acts in conflict with this act are hereby repealed.

APPROVED March 29, 1872.

In force July 1, 1871. AN ACT to avoid inconveniences arising from changing the times of holding the terms of courts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whenever the time for the holding of the term of any court has been or shall be changed by law, all summonses, subpoenas, writs, notices, bonds, recognizances, venirees, papers and processes of any kind whatever, made and served for or returnable to the terms of court as existing prior to such

change, shall be deemed and taken and shall have the same force and effect as if the same had been made and served for and returnable to the terms of court as fixed by the law making such change.

APPROVED April 12, 1871.

AN ACT to provide for holding regular and special terms of the circuit court In force Dec. 9,
in two or more counties in the same circuit, at the same time. 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That regular or special terms of the circuit court may be held in two or more counties in the same circuit at the same time; and it shall not be necessary to close any regular or special term of the circuit court in any county before the business of said term shall be disposed of, in order to begin a regular or special term in any other county in the same circuit, if any circuit judge of the state shall consent, at the request of the presiding judge of said circuit, to preside over the pending term, or open and hold such special or regular term in such other county. In two or more counties.

§ 2. Whereas the great press of business in some of the circuit courts of this state requires that this act shall take effect immediately, this act shall take effect and be in force from and after its passage. Emergency.

APPROVED December 9, 1871.

COURTS—COUNTY.

AN ACT to increase the jurisdiction of county courts.

In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the jurisdiction now conferred by law on the county courts of this state, they shall hereafter have jurisdiction in the following cases: Jurisdiction.

1. Concurrent jurisdiction with the circuit court in all that class of cases wherein justices of the peace now or hereafter may have jurisdiction, where the amount claimed or the value of the property in controversy shall not exceed five hundred dollars. Concurrent.

Appeals from justices.

2. Concurrent jurisdiction in all cases of appeals from justices of the peace and police magistrates: *Provided*, appeals from the county judge, when sitting as justice of the peace, shall be taken to the circuit court as now.

Exclusive jurisdiction.

3. Exclusive jurisdiction in all criminal cases and misdemeanors, where the punishment is not imprisonment in the penitentiary, or death: *Provided*, that when a defendant is indicted in the circuit court for a greater offense, and is found guilty of a lesser one, such as would have been properly cognizable in the county court, the circuit court shall not be ousted of its jurisdiction, but may enter judgment and sentence as heretofore. The grand jury of the circuit court may indict for all offenses, as heretofore—which indictments, if for offenses cognizable in the county court, shall be certified to the county court for process and trial.

Process and practice.

§ 2. The process, practice and pleadings in the county court, in the cases wherein jurisdiction is conferred by this act, shall be the same as is now or may hereafter be required in similar cases in the circuit court; and the process, orders and judgments of said court in such cases shall have the same form, force, lien and effect as in like cases in the circuit court. The clerk of the county court shall be allowed for his services in such cases the same fees as are or may be allowed the clerk of the circuit court for his services in similar cases.

Appeals and writs of error.

§ 3. Appeals and writs of error shall be allowed from the final judgments of the county court, in cases under this act, to the circuit court, to be taken and tried in the same manner as is now or may hereafter be provided by law for appeals and writs of error from the circuit to the supreme court: *Provided*, it shall not be necessary to make out a copy of the record, but the clerk shall certify the original papers to the circuit court, nor shall it be necessary to print the abstracts and briefs: *Provided, further*, that this section shall not operate to deprive justices of the peace of any jurisdiction they now or may hereafter have: *And, provided*, in all appeal in criminal cases the court shall fix the amount of the recognizance, and when the same is executed the defendant shall be discharged from imprisonment until otherwise ordered by the appellate court, on the dismissal or trial of the appeal; and the securities may deliver their principal and be subject to liabilities, to be enforced as in other cases of recognizance.

Jury.

§ 4. In all cases where a jury shall be demanded, the judge of said county court shall set all such cases down for trial at such times as shall be convenient, and shall order the sheriff to summon twenty-four jurymen to attend at such time, until such jury cases are disposed of, which jurors shall perform the same duties and receive the same pay as jurors in the circuit courts: *Provided*, that when such jury shall be summoned, jury cases shall have precedence of all busi-

ness in said court, until all such cases are disposed of. Said jurors shall be summoned, as nearly as may be, from the respective townships or precincts, in proportion to their population.

§ 5. Criminal offenses shall be prosecuted in said court either by affidavit of some competent witness or by information of the state's attorney, setting forth the offense with reasonable certainty—upon which offenses the county court shall have the same jurisdiction, and the same proceedings shall be had as upon indictments in the circuit court. Criminal offenses.

§ 6. The judge of the county court shall appoint a county attorney to prosecute criminal cases in said court, to hold his office until a county attorney is elected (in accordance with the constitution) and qualified, who shall receive as his compensation the fees now allowed to state's attorneys for similar services, except the salary paid by the state, and such other compensation as the county authorities may allow him out of the county treasury. County attorney.

§ 7. The provisions of this act shall not apply to counties having, by the last state or federal census, one hundred thousand population.

APPROVED April 5, 1872.

COURT COMMON PLEAS.

AN ACT to repeal an act entitled "An act to establish the court of common pleas in the city of Sparta, in Randolph county." In force April 6, 1871.

WHEREAS, the court of common pleas in the city of Sparta, in Randolph county, established by an act of the general assembly entitled "An act to establish the court of common pleas in the city of Sparta, in Randolph county," in force April twenty-sixth, in the year of our Lord eighteen hundred and sixty-nine, is unnecessary, and a source of great expense to the people of this state as well as the city of Sparta, wherefore it is deemed that an emergency exists which requires this act to go into effect and be in force before the first day of July next; Preamble. Emergency.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act establishing the court of common pleas in the city of Sparta, Randolph county, in force April twenty-sixth, in the year of our Lord eighteen hundred and sixty-nine, be and the same is hereby repealed. Act repealed.

Cases trans-
ferred to circuit
court.

§ 2. All causes now pending in said court of common pleas shall be transferred to the circuit court of Randolph county, state of Illinois, and may be tried and disposed of in the same manner in said circuit court that they might have been in said court of common pleas.

Books, papers
and records.

§ 3. All books, papers, records and reports, of every kind and description whatsoever, belonging to the said court of common pleas, whether in the hands of the judge, clerk, marshal, deputy or commissioner of said court of common pleas, shall be transferred to the said circuit court, and shall have the same force and effect that they now have by law, and the records and papers aforesaid shall be taken charge of by the clerk of the circuit court of said county and retained in the said office of said circuit clerk. And after such records, books, reports and papers have been transferred to said circuit court, fee bills and executions may issue from such circuit court on judgments rendered in said court of common pleas, which said fee bills and executions shall have the same effect and force as if issued from said court of common pleas before the passage of this act.

Copies of re-
cords and judg-
ments.

§ 4. All copies of any such records, writs, judgments, executions, decrees and orders of said court of common pleas, and any return upon any such writ by an officer of said court, or other proceedings having been had in said common pleas court, when properly certified by the clerk of the said circuit court, may be read and used in evidence in any court of record in this state.

Appeals, and
writs of error

§ 5. All appeals, writs of error, and all proceedings of any kind whatsoever heretofore taken from or out of said court of common pleas to the supreme court of this state, shall, if remanded or returned for any cause, be remanded or returned to the said circuit court, and have the same force and effect in law as if originally began in said circuit court.

Writs of error
to the supreme
court.

§ 6. Writs of error and appeals may be taken from the judgments and decrees of the said court of common pleas to the supreme court of this state, as is now provided by law, and the clerk of the said circuit court shall make up the records and certify to them in the same manner as now required of the clerk of the said court of common pleas.

Salaries.

§ 7. No officer of said court of common pleas shall draw any salary or receive any pay or emoluments whatever for services performed after this act takes effect.

§ 8. This act shall take effect and be in force from and after its passage.

APPROVED April 6, 1871.

AN ACT to dispose of the dockets, books and papers, and settle the unfinished business of the late recorder's court of the city of Sparta, in Randolph county, state of Illinois. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all dockets, books and papers belonging to the recorder's court of the city of Sparta, Randolph county, state of Illinois, shall be placed and remain in the custody and control of the police magistrate of the said city. Dockets, books and papers.

§ 2. It shall be the duty of the said police magistrate, when so required, to issue execution on any and all unexecuted judgments in the said recorder's court, and to make transcripts of judgments, as is required of justices of the peace, and as hereinafter required. Duty of magistrate.

§ 3. In all cases of judgment on the docket in said recorder's court, wherein the amount due shall exceed the sum of two hundred dollars, it shall be the duty of the said police magistrate, when so required, to make a transcript of all the proceedings in such case, and transmit the same to the clerk of the circuit court of Randolph county aforesaid, and the said clerk shall enter the same on the docket and proceed to issue any papers or writ thereon, and in the same manner as in transcript judgments from justices of the peace, and shall have the same force and effect. Transcript of proceedings.

APPROVED April 9, 1872.

COURTS OF CHANCERY.

AN ACT to regulate the practice in courts of chancery.

In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the several circuit courts of this state and superior court of Cook county, in all causes of which they may have jurisdiction as courts of chancery, shall have power to proceed therein according to the mode hereinafter prescribed; and where no provision is made by this act, according to the general usage and practice of courts of equity. Mode of procedure.

§ 2. The judges of the circuit courts and of the superior court of Cook county, in their respective circuits, may establish rules of proceeding in chancery, and make all needful orders and regulations, consistent with the practice of courts of chancery, in cases not provided for by law. Judges may establish rules.

Suits commenced.

§ 3. Suits in chancery shall be commenced in the county where the defendants, or some one or more of them resides; or if the defendants are all non-residents, then in any county; or if the suit may affect real estate, in the county where the same or some part thereof is situated. Bills for injunctions to stay proceedings at law, shall be brought in the county in which the proceedings at law are had.

Mode of commencing.

§ 4. The mode of commencing suits in chancery shall be by filing a bill of complaint with the clerk of the proper court, setting forth the nature of the complaint.

Guardians and conservators.

§ 5. Suits in chancery may be commenced and prosecuted by infants, either by guardian or next friend, and by conservators on behalf of the persons they represent.

Court to appoint guardian.

§ 6. In any cause in equity it shall be lawful for the court in which the cause is pending to appoint a guardian, *ad litem*, to any infant or insane defendant in such cause, and to compel the person so appointed to act. By such appointment, such person shall not be rendered liable to pay costs of suit; and he shall, moreover, be allowed a reasonable sum for his charges as such guardian, to be fixed by the court, and taxed in the bill of costs.

Unknown owners as defendants.

§ 7. In all suits in chancery, and suits to obtain title to lands, in any of the courts of this state, if there be persons interested in the same, whose names are unknown, it shall be lawful to make such persons parties to such suits or proceedings, by the name and description of unknown owners, or unknown heirs or devisees of any deceased person, who may have been interested in the subject matter of the suit previous to his or her death; but in all such cases an affidavit shall be filed by the party desiring to make any unknown person a party, stating that the names of such persons are unknown, and process shall be issued against all parties, by the name and description given as aforesaid; and notices given by publication, as is required in this act, shall be sufficient to authorize the court to hear and determine the suit, as though all parties had been sued by their proper names.

Summons.

§ 8. Upon the filing of every bill, the clerk of the court shall thereupon issue a summons, tested, dated and sealed as a summons in common law suits, directed to the sheriff of the county in which the defendant resides, if the defendant be a resident of this state, requiring him to appear and answer the bill on the return day of the summons; and where there are several defendants residing in different counties, a separate summons shall be issued to each county, including all the defendants residing therein.

Returnable.

§ 9. Every summons in chancery shall be made returnable to the next term of the court after the date thereof, or the next succeeding term thereafter.

Process.

§ 10. If, in any suit in chancery, the process shall not be returned executed on or before the return day thereof,

the clerk, if required, shall issue an *alias pluries*, or other process, without an order of the court therefor.

§ 11. Service of summons shall be made by delivering a copy thereof to the defendant, or leaving such copy at his usual place of abode, with some person of the family, of the age of ten years or upwards, and informing such person of the contents thereof. If service is not had at least ten days before the return day of such summons, the cause shall stand continued till the next term of the court.

Service of summons.

§ 12. Whenever any complainant or his attorney shall file in the office of the clerk of the court in which his suit is pending, an affidavit showing that any defendant resides or hath gone out of this state, or on due inquiry cannot be found, or is concealed within this state, so that process can not be served upon him, and stating the place of residence of such defendant if known, or that upon diligent inquiry his place of residence cannot be ascertained, the clerk shall cause publication to be made in some newspaper printed in his county, and if there be no newspaper published in his county, then in the nearest newspaper published in this state, containing notice of the pendency of such suit, the names of the parties thereto, the title of the court, and the time and place of the return of summons in the case; and he shall also, within ten days of the first publication of such notice, send a copy thereof by mail, addressed to such defendant whose place of residence is stated in such affidavit. The certificate of the clerk that he has sent such notice in pursuance of this section, shall be evidence.

Affidavit of complainant.

§ 13. The notice required in the preceding section may be given at any time after the commencement of the suit, and shall be published at least once in each week for four successive weeks, and no default or proceeding shall be taken against any defendant not served with summons, or a copy of the bill, and not appearing, unless forty days shall intervene between the first publication, as aforesaid, and the first day of the term at which such default or proceeding is proposed to be taken.

Notice.

§ 14. The complainant may cause a copy of the bill, together with a notice of the commencement of the suit, to be delivered to any defendant residing or being without this state, not less than thirty days previous to the commencement of the term at which such defendant is required to appear; which service, when proved to the satisfaction of the court, shall be as effectual as if such service had been made in the usual form, within the limits of this state. The service by a copy of the bill may be proved by the affidavit of the person serving the same, made before any officer authorized to administer oaths in the place where the affidavit is made, or in case the service is made in any foreign country, before any United States minister or consul residing in the country where the same is made.

Copy of the bill to be delivered.

In case of continuance.

§ 15. If, for want of due publication or service in time, the cause shall be continued, then the same proceedings may be had at a subsequent term of the court as might have been had at the term to which said summons is returnable.

When defendant is summoned.

§ 16. Every defendant who shall be summoned, served with a copy of the bill or petition, or notified as required in this act, shall be held to except, demur, plead or answer on the return day of the summons; or if the summons is not served ten days before the first day of the term at which it is returnable by the first day of the next term; or in case of service by copy of the bill, or by notice, at the expiration of the time required to be given, or within such further time as may be granted by the court; or, in default thereof, the bill may be taken as confessed.

Answer to the bill.

§ 17. If the defendant shall appear at the next term and offer to file his answer to the bill, the court may permit him to do so, upon his showing sufficient cause, and paying the costs of the preceding terms. In such case, the decree shall be vacated, and the cause may be proceeded in as in other cases.

Where bill is confessed.

§ 18. Where a bill is taken for confessed, the court, before a final decree is made, if deemed requisite, may require the complainant to produce documents and witnesses to prove the allegations of his bill, or may examine him on oath or affirmation touching the facts therein alleged. Such decree shall be made in either case as the court shall consider equitable and proper.

Final decree.

§ 19. When any final decree shall be entered against any defendant who shall not have been summoned or been served with a copy of the bill, or received the notice required to be sent him by mail, and such person, his heirs, devisees, executor, administrator or other legal representatives, as the case may require, shall, within one year after notice in writing given him of such decree, or within three years after such decree, if no such notice shall have been given as aforesaid, appear in open court and petition to be heard touching the matter of such decree, and shall pay such costs as the court shall deem reasonable in that behalf, the person so petitioning may appear and answer the complainant's bill, and thereupon such proceedings shall be had as if the defendants had appeared in due season and no decree had been made. And if it shall appear, upon the hearing, that such decree ought not to have been made against such defendant, the same may be set aside, altered or amended as shall appear just; otherwise the same shall be ordered to stand confirmed against said defendant. The decree shall, after three years from the making thereof, if not set aside in manner aforesaid, be deemed and adjudged confirmed against such defendant, and all persons claiming under him by virtue of any act done subsequent to the com-

mencement of such suit; and at the end of the said three years, the court may make such further order in the premises as shall be required to carry the same into effect.

§ 20. When a bill, supplemental bill, bill of review, of reviewer, or cross bill, shall be filed in the court of chancery, other than for discovery only, the complainant may waive the necessity of the answer being made on the oath of the defendant, defendants or any of them; and, in such cases, the answer may be made without oath, and shall have no other or greater force as evidence than the bill.

Answer may be made without oath.

§ 21. Every answer shall be verified by an oath or affirmation, except as provided in the foregoing section.

Verified by oath.

§ 22. When a corporation, other than a municipal corporation, is defendant to a bill or petition praying discovery of any paper or matter alleged to be in the custody or within the knowledge of any officer or agent of the defendant, it shall not be necessary, for the purpose of procuring such discovery, to make such officer or agent a defendant, but the answer touching the paper or matter concerning which discovery is sought, shall be under the oath of such officer or agent the same as if he had been made defendant: *Provided*, no corporation shall be required to procure such answer under the oath of any person not under its control at the time when the bill is filed.

When a corporation is defendant.

§ 23. Every defendant shall answer fully all the allegations and interrogatories of the complainant, whether an answer on oath is waived or not, except such as are not required to be answered, by reason of exceptions, plea or demurrer thereto allowed.

Defendant to answer fully.

§ 24. When an answer shall be adjudged insufficient, the defendant shall file a further answer within such time as the court shall direct, and on failure thereof, the bill shall be taken as confessed; if such further answer shall be likewise adjudged insufficient, the defendant shall file a supplemental answer, and pay all costs attendant thereon; if that shall be adjudged insufficient, the defendant may be proceeded against for a contempt, and the like proceedings be had thereon, to enforce the order of the court, as in other cases of contempt.

When answer is insufficient.

§ 25. When the complainant shall require a discovery respecting the matters charged in the bill, the disclosure shall not be deemed conclusive, but if a replication be filed, may be disproved or contradicted, like any other testimony, according to the practice of courts of equity.

Disclosure not conclusive.

§ 26. On the coming in of any answer, the complainant may, by leave of court, exhibit and file further interrogatories, to be answered by the defendant within such time as shall be fixed by the court.

Further interrogatories.

§ 27. All exceptions to answers or to interrogatories exhibited, shall be filed within such time as the court may direct, and be argued at such time as the court may appoint.

Exceptions.

Replications.

§ 28. Replications shall be general, with the like advantage to all parties as if special, and shall be filed in four days after the plaintiff or his attorney shall be served with notice of answer filed.

Filing of replication.

§ 29. After replication is filed, the cause shall be deemed at issue and stand for hearing, or in default of filing such replication, the cause may be set for hearing upon the bill and answer; in which case the answer shall be taken as true, and no evidence shall be received, unless it be matter of record to which the answer refers.

Cross-bill.

§ 30. Any defendant may, after filing his answer, exhibit and file his cross-bill, and call upon the complainant to file his answer thereto, in such time as may be prescribed by the court.

§ 31. It shall not be necessary to recite in a cross-bill any of the pleadings or proceedings in the case in which it is filed; and it shall not be necessary to pray process except against new parties.

Complainant to plead.

§ 32. The complainant shall be required to except, plead, demur or answer to such cross-bill in the same manner that a defendant is required to except, plead, demur or answer to an original bill, and his answer shall have the same effect as a defendant's answer to a bill.

Failure to answer.

§ 33. If the complainant shall fail to answer such cross-bill, his bill shall be dismissed with costs, or the new matter set out in the defendant's cross-bill shall be taken as confessed, and a decree entered accordingly.

New party.

§ 34. Where it is necessary for the defendant to bring a new party before the court, he shall state it in his cross-bill; and a summons shall be issued, and other proceedings had, as in the case of other defendants.

§ 35. The complainant shall not be compelled to file his answer to any cross-bill, until the defendant shall have filed a sufficient answer to the complainant's bill.

Dismissal of bill.

§ 36. No complainant shall be allowed to dismiss his bill, after a cross-bill has been filed, without the consent of the defendant.

Court may extend time.

§ 37. The court may extend the time for answering, replying, pleading, demurring, or joining in demurrer; and may permit the parties to amend their bills, pleas, answers and replications, on such terms as the court may deem proper, so that neither party be surprised nor unreasonably delayed thereby; and no amendment shall be cause for a continuance, unless the party to be affected thereby, or his agent or attorney, shall make affidavit that, in consequence thereof, he is unprepared to proceed to trial of the cause at that term, and that he verily believes that if the cause is continued such party will be able to make such preparation.

When bill of complaint is lost.

§ 38. In all chancery proceedings where the bill of complaint, or any other paper filed in the cause, shall be lost or mislaid, the court in which said cause shall be pending may,

in its discretion, permit the files to be supplied by the filing of a copy, in substance, of the lost or mislaid bill of complaint, or other paper, on the party wishing to supply the files making an affidavit, to the satisfaction of said court, that said bill of complaint, or other paper, is substantially a copy of the original, to the best of his knowledge, recollection and belief.

§ 39. The court may, upon default, or upon issue being joined, refer the cause to a master in chancery, or special commissioner, to take and report evidence, with or without his conclusions thereupon. Court may refer:

§ 40. The court may, in its discretion, direct an issue or issues to be tried by a jury, whenever it shall be judged necessary in any cause in equity, pending therein. In all other causes in equity, the mode of trial shall be the same as has been heretofore practiced in courts of chancery. Issues tried by jury.

§ 41. If a defendant in any proceeding in equity, having been served with summons, or personally notified, as provided in this act, shall fail or refuse to appear or answer the bill of complaint, he may be attached and otherwise proceeded against according to the practice in equity in cases of contempt. Defendant attached.

§ 42. When any bill is taken for confessed, or upon hearing, the court may make such decree thereon as may be just, and may enforce such decree, either by sequestration of real and personal estate, by attachment against the person, by fine or imprisonment, or both, by causing possession of real and personal estate to be delivered to the party entitled thereto, or by ordering the demand of the complainant to be paid out of the effects or estate sequestered, or which are included in such decree; and by the exercise of such other powers as pertain to courts of chancery, and which may be necessary for the attainment of justice. Court may enforce decree.

§ 43. All decrees, orders, judgments and proceedings, made or had with respect to unknown persons, shall have the same effect, and be as binding and conclusive upon them, as though such suit or proceeding had been instituted against them by their proper names. Unknown persons.

§ 44. A decree for money shall be a lien on the lands and tenements of the party against whom it is entered, to the same extent and under the same limitations as a judgment at law. Decree for money.

§ 45. All decrees given in causes in equity in this state, shall be a lien on all real estate respecting which such decrees shall be made; and whenever, by any decree, any party to a suit in equity shall be required to perform any act other than the payment of money, or to refrain from performing any act, the court may, in such decree, order that the same shall be a lien upon the real or personal estate, or both, of such party until such decree shall be fully complied with; and such lien shall have the same Decrees to be liens.

force and effect, and be subject to the same limitations and restrictions as judgments at law.

Commissioner
or master-in-
chancery.

§ 46. Whenever a decree shall be made in any suit in equity, directing the execution of any deed or other writing, it shall be lawful for the court to appoint a commissioner, or direct the master in chancery to execute the same, in case the parties under no disability fail to execute the same, in a time to be named in the decree, or on behalf of minors or persons having conservators; and the execution thereof, by such commissioner or master in chancery, shall be valid in law to pass, release or extinguish the right, title and interest of the party in whose behalf it is executed, as if executed by the party in proper person, and he or she were under no disability; and such deed or other writing, if it relates to land, shall, within six months after its execution by such commissioner or master, be recorded in the recorder's office of the county wherein the land may lie.

Execution.

§ 47. When there shall be no direction that a master in chancery or commissioner execute a decree, the same may be carried into effect by execution, or other final process, according to the nature of the case, directed to the sheriff or other officer of the proper county; which, when issued, shall be executed and returned by the sheriff or other officer to whom it may be directed, and shall have the same operation and force as similar writs issued upon a judgment at law. The sheriff or other officer to whom the same is directed, shall be subject to the like penalties and recoveries for misconduct or neglect in the execution or return thereof, as in cases at law; or the court may, if necessary, direct an attachment to be issued against the party disobeying such decree, and fine or imprison him, or both, in the discretion of the court, and may also direct a sequestration for disobedience of any decree.

Sale of property

§ 48. In all cases where a sale of property is decreed, the court may direct the same to be made for cash, or on such credit where no redemption is allowed, and on such terms as it may deem best and most equitable to the interests of the several parties.

When execution is returned unsatisfied.

§ 49. Whenever an execution shall have been issued against the property of a defendant, on a judgment at law or in equity, and shall have been returned unsatisfied, in whole or in part, the party suing out such execution may file a bill in chancery against such defendant, and any other person, to compel the discovery of any property or thing in action, belonging to the defendant, and of any property, money, or thing in action due to him, or held in trust for him, and to prevent the transfer of any such property, money or thing in action, or the payment or delivery thereof to the defendant, except when such trust has, in good faith, been created by, or the fund so held in trust has proceeded from, some person other than the defendant himself. The

court shall have power to compel such discovery, and to prevent such transfer, payment or delivery, and to decree satisfaction of the sum remaining due on such judgments, out of any personal property, money or things in action, belonging to the defendant, or held in trust for him, with the exception above stated, which shall be discovered by the proceedings in chancery, whether the same were originally liable to be taken in execution at law or not: *Provided*, that no answer made to any bill filed under this and the preceding section, shall be read in evidence against the defendant on the trial of any indictment for fraud charged in the bill.

§ 50. The court may hear and determine bills to quiet title, and to remove clouds from the title to real estate, whether the lands in controversy are improved or occupied, or unimproved or unoccupied; and the taking possession of such lands, after the commencement of suit by the party claiming the title or the adverse title, or any one under or through such person or persons, shall not in anywise affect the complainant's right to a final decree upon his bill. Bills to quiet titles.

§ 51. Nothing contained in this act shall be construed to authorize any lien upon or sale of those articles in possession of the defendant, which are exempt from execution by law, and not released or waived by the party entitled to such exemption. Articles exempt from execution.

§ 52. The following acts and parts of acts are hereby repealed: Chapter twenty-one, of the Revised Statutes of 1845, entitled "Chancery;" an act entitled "An act to amend chapter twenty-one, of the Revised Statutes of 1845," approved February 12, 1857; an act entitled "An act to extend the jurisdiction of courts of chancery in cases of foreclosure of mortgages," approved February 16, 1865; an act entitled "An act to amend the act entitled 'Evidence and Depositions,' Revised Statutes, chapter forty," approved February 12, 1849; an act entitled "An act to amend chapter twenty-one (21), of the Revised Statutes of 1845," approved March 27, 1869; an act entitled "An act to amend section twelve, of chapter twenty-one (21), of the Revised Statutes of 1845, entitled 'Chancery,'" approved March 31, 1869; an act entitled "An act to amend chapter twenty-one, of the Revised Statutes of 1845, entitled 'Chancery,'" approved March 12, 1869; and all other acts inconsistent with the provisions of this act. But this section shall not be construed so as to affect any rights that may have accrued, or any suits that may be pending, when this act shall take effect. Acts repealed.

APPROVED March 15, 1872.

COURTS OF RECORD.

In force July 1,
1872.

AN ACT in regard to practice in courts of record.

First process,
summons.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the first process in all actions to be hereafter commenced in any of the courts of record in this state shall be a summons, except actions where special bail may be required; which summons shall be issued under the seal of the court, tested in the name of the clerk of such court, dated on the day it shall be issued, and signed with his name, and shall be directed to the sheriff, (or, if he be interested in the suit, to the coroner of the county,) and shall be made returnable on the first day of the next term of the court in which the action may be commenced. If ten days shall not intervene between the time of suing out the summons and the next term of court, it shall be made returnable to the succeeding term. The plaintiff may, in any case, have summons made returnable at any term of the court which may be held within three months after the date thereof.

Suits, where to
be brought.

§ 2. It shall not be lawful for any plaintiff to sue any defendant out of the county where the latter resides or may be found, except in local actions, and except that in every species of personal actions, in law, when there is more than one defendant, the plaintiff commencing his action where either of them resides may have a writ or writs issued, directed to any county or counties where the other defendants, or either of them, may be found: *Provided*, that if a verdict shall not be found, or judgment rendered against the defendant or defendants, resident in the county where the action is commenced, judgment shall not be rendered against those defendants who do not reside in the county, unless they appear and defend the action. Actions against a railroad company may be brought in the county where its principal office is located, or in the county where the cause of action accrued, and into or through which its road may run.

§ 3. It shall be the duty of the sheriff or coroner to serve all process of summons, or *capias*, when it shall be practicable, ten days before the return day thereof, and to make return of such process to the clerk who issued the same, by or on the return day, with an indorsement of his service, the time of serving it, and the amount of his fees: *Provided*, that when such process shall have been directed to a foreign county, the officer executing the same may make return thereof by mail; and the clerk may charge the postage, and tax the amount in his fee bill.

§ 4. An incorporated company may be served with process, by leaving a copy thereof with its president, if he can be found in the county in which the suit is brought; if he shall not be found in the county, then by leaving a copy of the process with any clerk, secretary, superintendent, general agent, cashier, principal, director, engineer, conductor, station agent, or any agent of said company found in the county.

Incorporate company.

§ 5. Process against a county may be served by leaving a copy thereof with the clerk or chairman of the county board, or clerk of the county court in counties not under township organization, until a board of county commissioners is elected, as provided in the constitution.

Process against a county.

§ 6. In suits against a city, village or town, process may be served by leaving a copy thereof with the mayor or city clerk, in case of a city, and with the president of the board of trustees or clerk, in the case of a village, and with the supervisor or town clerk, in the case of a town.

Suits against a city, village or town.

§ 7. If it shall not be in the power of the sheriff or coroner to serve a summons or *capias* ten days before the return day thereof, he may execute the same at any time before, or on the return day; but if not served ten days before the return day thereof, the defendant shall be entitled to a continuance, and shall not be compelled to plead before the next succeeding term.

Ten days before return day.

§ 8. Whenever it shall appear, by the return of the sheriff or coroner, that the defendant is not found the clerk shall at the request of the plaintiff issue another summons or *capias*, as the case may be, and so on until service is had.

Defendant not found.

§ 9. If a summons or *capias* is served on one or more, but not on all of the defendants, the plaintiff may proceed to trial and judgment against the defendant or defendants on whom the process is served, and the plaintiff may, at any time afterwards, have a summons, in the nature of *scire facias*, against the defendant not served with the first process, to cause him to appear in said court, and show cause why he should not be made a party to such judgment; and upon such defendant being duly served with such process, the court shall hear and determine the matter in the same manner as if such defendant had been originally summoned or brought into court, and such defendant shall also be allowed the benefit of any payment or satisfaction which may have been made on the judgment before recovered, and the judgment of the court against such defendant shall be that the plaintiff recover against such defendant, together with the defendant in the former judgment, the amount of his debt or damages, as the case may be.

When summons is served on one or more defendant.

§ 10. It shall not be necessary hereafter, in any action of *mandamus* or *quo warranto*, to set out the cause of action in the writ, but it shall be sufficient to summon the defendant in a summons in the usual form, commanding the defendan

Mandamus or quo warranto.

to appear and answer the plaintiff in an action of *mandamus* or *quo warranto*, as the case may be, and the issues shall be made up by answering, pleading or demurring to the petition as in other cases.

When joint
debtors are sued

§ 11. When several joint debtors are sued and any one or more of them shall not be served with process, the pendency of such suit or the recovery of a judgment against the parties served shall be no bar to a recovery on the original cause of action against such as are not served, in any suit which may be brought against them in any other place than in the county where the first suit is brought. This section shall not be so construed as to allow more than one satisfaction.

Refusal to
make return.

§ 12. If any sheriff or coroner to whom any summons, *capias* or subpoena shall be delivered, shall neglect or refuse to make return of the same before or on the return day of such process, the plaintiff may enter a rule requiring said sheriff or coroner to make return of such process on a day to be fixed by the court, or to show cause on that day why he should not be attached for a contempt of the court; and the plaintiff shall, thereupon, cause a written notice of such rule to be served on such sheriff or coroner; and if good and sufficient cause be not shown to excuse such officer, the court shall adjudge him guilty of a contempt, and shall proceed to punish such officer as in other cases of contempt.

Subpoenas for
witnesses.

§ 13. The clerk of any court in which a suit is pending shall, from time to time, issue subpoenas for such witnesses, and to such counties in the state, as may be required by either party; and every clerk who shall refuse so to do, shall be fined, at the discretion of the court, in any sum not exceeding one hundred dollars.

Clerks to keep
a docket.

§ 14. The clerks of the courts shall keep a docket of all the causes pending in their respective courts, in which shall be entered the names of the parties, the cause of action, and the name of the plaintiff's attorney, and he shall furnish the judge and bar, at each term, with a copy of the same, in which all indictments and causes to which the people may be a party shall be first set down, after which shall be set down all cases in law, in order, according to the date of their commencement, and lastly, the suits in chancery. Where the business of the court shall be so large as to require it, separate dockets may be made of the criminal, law and chancery cases.

Causes to be
set.

§ 15. The clerk shall set and apportion the causes for as many days of the term as he may think necessary, or be directed by the judge; and all subpoenas for witnesses shall be made returnable on the day on which the cause in which the witnesses are to be called is set for trial, or the first day of the term, when such day has not been fixed.

To be tried in
order docketed.

§ 16. All the causes shall be tried or otherwise disposed of in the order they are placed on the docket, unless the court, for good and sufficient cause, shall otherwise direct.

§ 17. If the plaintiff shall not file his declaration, together with a copy of the instrument of writing or account on which the action is brought, in case the same be brought on a written instrument or account, ten days before the court at which the summons or *capias* is made returnable, the court, on motion of the defendant, shall continue the cause at the cost of the plaintiff, unless it shall appear that the suit was commenced within ten days of the sitting of the court, in which case the cause shall be continued without costs, unless the parties shall agree to have a trial; and if no declaration shall be filed ten days before the second term of the court, the defendant shall be entitled to a judgment, as in case of a non suit: *Provided*, that in all suits by *capias*, where the defendant shall have been arrested, and in replevin and attachment, the plaintiff may be required to file his declaration at the first term, and the defendant may have a trial at such term, unless sufficient cause for a continuance is shown.

Continuance at
cost of plaintiff.

§ 18. Any deed, bond, note, covenant or other instrument under seal (except penal bonds), may be sued and declared upon or set-off as heretofore, or in any form of action in which such instrument might have been sued and declared upon or set-off if it had not been under seal, and demands upon simple contracts may be set-off against demands upon sealed instruments, judgments or decrees.

Instruments
under seal.

§ 19. It shall not be necessary, in any pleading, to make profert of the instrument alleged; but in any action or defense upon an instrument in writing, whether under seal or not, if the same is not lost or destroyed, the opposite party may have oyer thereof, and proceed thereon in the same manner as if profert had been properly made according to the common law.

Profert of the
instrument.

§ 20. In actions brought on penal bonds, conditioned for the performance of covenant, the plaintiff shall set out the conditions thereof, and may assign in his declaration as many breaches as he may think fit; and the jury, whether on trial of the issue or of inquiry, shall assess the damages for so many breaches as the plaintiff shall prove, and the judgment for the penalty shall stand as a security for such other breaches as may afterwards happen, and the plaintiff may, at any time afterwards, sue out a writ of inquiry to assess damages for the breach of any covenant or covenants contained in such bond, subsequent to the former trial or inquiry; and whenever execution shall be issued on such judgment, the clerk shall indorse thereon the amount of damages assessed by the jury, with the costs of suit, and the sheriff or coroner shall only collect the amount so indorsed: *Provided*, that in all cases where a writ of inquiry of damages shall be issued for any such breaches subsequent to the first trial or inquiry, the defendant, or his agent or

Actions on pen-
al bonds.

attorney, shall have at least ten days' notice, in writing, of the time of executing the same.

Trespass. § 21. The distinctions between the actions of "trespass" and "trespass on the case" are hereby abolished; and in all cases where trespass or trespass on the case has been heretofore the appropriate form of action, either of said forms may be used, as the party bringing the action may elect.

Counts joined. § 22. Counts in trover and replevin may be joined in the same action.

Amendments. § 23. At any time before final judgment in a civil suit, amendments may be allowed on such terms as are just and reasonable, introducing any party necessary to be joined as plaintiff or defendant, discontinuing as to any joint plaintiff or joint defendant, changing the form of the action, and in any matter, either of form or substance, in any process, pleading or proceeding which may enable the plaintiff to sustain the action for the claim for which it was intended to be brought or the defendant to make a legal defense. The adjudication of the court allowing an amendment shall be conclusive evidence of the identity of the action.

When defendant is added. § 24. In case another defendant is added, summons may issue against such defendant, returnable to the next term of court, and he may be proceeded against in the same manner as if he had been made a defendant at the commencement of the suit.

Amendment not cause for continuance. § 25. No amendment shall be a cause for a continuance unless the party affected thereby, or his agent or attorney, shall make affidavit that in consequence thereof he is unprepared to proceed to or with the trial of the cause at that term, and that he verily believes that if the cause is continued, he will be able to make such preparation.

Scire facias. § 26. It shall not be necessary to file a declaration in any *scire facias* to revive a judgment or foreclose a mortgage, in any court of record in this state.

Time to plead. § 27. On the appearance of the defendant or defendants, the court may allow such time to plead as may be deemed reasonable and necessary.

Pleadings. § 28. The defendant may plead as many matters of fact in several pleas as he may deem necessary for his defense, or may plead the general issue, and give notice, in writing, under the same, of the special matters intended to be relied on for a defense on the trial; under which notice, if adjudged by the court to be sufficiently clear and explicit, the defendant shall be permitted to give evidence of the facts therein stated, as if the same had been specially pleaded and issue taken thereon.

Claims against plaintiff. § 29. The defendant in any action brought upon any contract or agreement, either expressed or implied, having claims or demands against the plaintiff in such action, may plead the same, or give notice thereof, under the general issue, or under the plea of payment; and the same, or such

part thereof as the defendant shall prove on trial, shall be set off and allowed against the plaintiff's demand, and a verdict shall be given for the balance due. And if it shall appear that the plaintiff is indebted to the defendant, the jury shall find a verdict for the defendant, and certify to the court the amount so found; and the court shall give judgment in favor of such defendant, with the costs of his defense. If the cause is tried by the court, the finding and judgment shall be in like manner.

§ 30. When such plea or notice of set-off shall have been interposed, the plaintiff shall not be permitted to dismiss his suit without the consent of the defendant, or leave of the court. Dismissal of suit.

§ 31. If the defendant shall plead or give notice of any set-off, he shall file with such plea or notice a copy of the instrument or account upon which he intends to rely. Notice of set-off.

§ 32. Whenever it shall become necessary, for the attainment of justice, to allow a plaintiff to reply several matters to the plea of a defendant, or to allow a defendant to rejoin several matters to the replication of a plaintiff, the court in which the action shall be pending, on the special application of the party desiring so to reply or rejoin, may allow the same to be done. When several matters are contained in plea.

§ 33. No person shall be permitted to deny, on trial, the execution or assignment of any instrument in writing, whether sealed or not, upon which any action may have been brought, or which shall be pleaded or set up by way of defense or set-off, or is admissible under the pleadings when a copy is filed, unless the person so denying the same shall, if defendant, verify his plea by affidavit; and if plaintiff, shall file his affidavit denying the execution or assignment of such instrument: *Provided*, if the party making such denial be not the party alleged to have executed or assigned such instrument, the denial may be made on the information and belief of such party. Denial of instrument to be verified.

§ 34. In trials of actions upon contracts, expressed or implied, where the action is brought by partners, or by joint payees or obligees, it shall not be necessary for the plaintiff, in order to maintain any such action, to prove the co-partnership of the individuals named in such action, or to prove the christian or surnames of such partners, or joint payees or obligees; but the names of such co-partners, joint payees or obligees shall be presumed to be truly set forth in the declaration, petition or bill: *Provided*, that nothing herein contained shall prevent the defendant in any such action from pleading in abatement as heretofore, or of proving, on the trial, either that more persons ought to have been plaintiffs, or that more persons have been made plaintiffs than have a legal right to sue, or that the christian or surname is other and different from the one stated in the declaration, petition or bill. Actions on contracts by partners.

Actions on contracts against two defendants.

§ 35. In actions upon contracts, expressed or implied, against two or more defendants, as partners or joint obligors or payors, whether so alleged or not, proof of the joint liability or partnership of the defendants, or their christian or surnames, shall not, in the first instance, be required to entitle the plaintiff to judgment, unless such proof shall be rendered necessary by pleading in abatement, or unless the defendant shall file a plea in bar denying the partnership or joint liability or the execution of the instrument sued upon verified by affidavit.

Affidavit filed with declaration.

§ 36. If the plaintiff in any suit upon a contract, expressed or implied, for the payment of money, shall file with his declaration an affidavit showing the nature of his demand and the amount due him from the defendant after allowing to the defendant all his just credits deductions and set-offs, if any, he shall be entitled to judgment as in case of default, unless the defendant, or his agent or attorney, if the defendant is a resident of the county in which the suit is brought, shall file with his plea an affidavit, stating that he verily believes he has a good defense to said suit upon the merits to the whole or a portion of the plaintiff's demand, and if a portion, specifying the amount (according to the best of his judgment and belief). Upon good cause shown, the time for filing such affidavit may be extended for such reasonable time as the court shall order. No affidavit of merits need be filed with a demurrer, plea in abatement, or motion: *Provided*, that if the plaintiff, his agent or attorney, shall file an affidavit, stating that affiant is taken by surprise by such plea and affidavit of merits, and that he believes that plaintiff has testimony to support his claim against the defendant, which he cannot produce at that term of court, but expects to produce by the next term, the court shall continue such cause until the next term.

Affidavit *prima facie* evidence.

§ 37. When any part of the demand is upon an account, and the defendant shall suffer default for the want of an affidavit of merits, or for non-appearance, or for *nil dicit*, the affidavit so filed with the declaration may be taken as *prima facie* evidence of the amount due upon such account; but the court may require further evidence.

Judgment by default.

§ 38. For want of appearance the court may give judgment by default, except in cases where the process has not been served, or declaration filed, ten days before the term of the court.

Court may set aside.

§ 39. The court may, in its discretion, before final judgment, set aside any default, and may, during the term, set aside any judgment upon good and sufficient cause, upon affidavit, upon such terms and conditions as shall be deemed reasonable.

Jury.

§ 40. In all suits in the courts of record in this state, upon default, where damages are to be assessed, it shall be

lawful for the court to hear the evidence and assess the damages without a jury for that purpose: *Provided*, that either party may have the damages assessed by a jury.

§ 41. In all cases, in any court of record of this state, if both parties shall agree, both matters of law and fact may be tried by the court; and upon such trial either party may, within such time as the court may require, submit to the court written propositions to be held as law in the decision of the case, upon which the court shall write "refused" or "held," as he shall be of opinion is the law, or modify the same, to which either party may except as to other opinions of the court.

Written propositions submitted.

§ 42. When either party shall apply for a continuance of a cause on account of the absence of testimony, the motion shall be grounded on the affidavit of the party so applying, or his authorized agent, showing that due diligence has been used to obtain such testimony, or the want of time to obtain it, and what particular fact or facts the party expects to prove by such evidence, and if the evidence is the testimony of a witness, his place of residence, or if his place of residence is not known, showing that due diligence has been used to ascertain the same, and that if further time is given his place of residence can be ascertained.

Absence of testimony.

§ 43. Should the court be satisfied that such evidence would not be material on the trial of the cause, or if the other party will admit the affidavit in evidence, the cause shall not be continued.

Affidavit in evidence.

§ 44. When the affidavit is concerning the evidence of a witness, the party admitting such affidavit shall be held to admit only that if the absent witness was present he would testify as alleged in the affidavit, and such admission shall have no greater force or effect than if such absent witness were present and testified as alleged in the affidavit, leaving it to the party admitting such affidavit to controvert the statements contained therein, or to impeach said witness, the same as if such witness were present and examined in open court.

When affidavit is admitted.

§ 45. It shall be a sufficient cause for a continuance of any case, in time of war or insurrection, that the defendant is in the military service of the United States or of this state, if it shall be made to appear to the court by affidavit, and that the presence of the defendant is in any degree necessary for a full and fair defense of the suit. The costs of a continuance under this section shall abide the result of the suit.

In time of war.

§ 46. In all suits at law or in equity, pending in any court of this state at any time when the general assembly is in session, it shall be a sufficient cause for a continuance if it shall appear to the court, by affidavit, that any party applying for such continuance, or any attorney, solicitor or counsel of such party, is a member of either house of the

Members of the general assembly.

general assembly, and in actual attendance upon the sessions of the same, and that the attendance of such party, attorney, solicitor or counsel in court is necessary to a fair and proper trial of such suit; and, on the filing of such affidavit, the court may continue such suit; and when so continued, no trial or other proceedings shall be had therein until the adjournment of the general assembly, nor within ten days thereafter. Such affidavit shall be sufficient, if made at any time during the session of the general assembly, showing that, at the time of making the same, such party, attorney, solicitor or counsel is in actual attendance upon such session of the general assembly.

Absence of attorney.

§ 47. The foregoing section shall not apply to cases of application for continuance by reason of the absence of any attorney, solicitor or counsel who shall not have been actually employed in such suit prior to the commencement of such session of the general assembly, nor to the practice in the supreme court.

Challenge.

§ 48. In all civil actions, each party shall be entitled to a challenge of three jurors, without showing cause for such challenge.

Non-suit.

§ 49. Every person desirous of suffering a non-suit on trial, shall be barred therefrom unless he do so before the jury retire from the bar.

Faulty counts.

§ 50. If one or more of the counts in a declaration be faulty, the defendant may apply to the court to instruct the jury to disregard such faulty count or counts.

Instructions to jury.

§ 51. The court, in charging the jury, shall only instruct as to the law of the case; and the court may, at the request of either party, require the jury to render a special verdict upon any fact or facts in issue in the cause; which verdict shall be entered of record and proceedings had thereon as in other cases. When the special finding of the fact is inconsistent with the general verdict, the former shall control the latter, and the court shall give judgment accordingly.

Reduced to writing.

§ 52. Hereafter no judge shall instruct the petit jury in any case, civil or criminal, unless such instructions are reduced to writing.

When instructions are asked.

§ 53. And when instructions are asked which the judge cannot give, he shall, on the margin thereof, write the word "refused;" and such as he approves he shall write, on the margin thereof, the word "given;" and he shall in no case, after instructions are given, qualify, modify, or in any manner explain the same to the jury otherwise than in writing. Exceptions to the giving or refusing any instruction may be entered at any time before the entry of final judgment in the case.

Instructions.

§ 54. And such instructions, so given, shall be taken by the jury in their retirement, and returned by them, with their verdict, into court.

§ 55. Papers read in evidence, other than depositions, Papers. may be carried from the bar by the jury.

§ 56. It shall be sufficient for the jury to pronounce Verdict. their verdict, by their foreman, in open court, without reducing the same to writing, and the clerk shall enter the same in form, under the direction of the court; and if either party may wish to except to the verdict, or, for other causes, to move for a new trial or in arrest of judgment, he shall, before final judgment be entered, or during the term it is entered, by himself or counsel, file the points in writing, particularly specifying the grounds of such motion, and final judgment shall thereupon be staid until such motion can be heard by the court. But no more than two new trials upon the same grounds shall be granted to the same party in the same cause, nor shall any verdict or judgment be set aside for irregularity only, unless cause be shown for the same, during the sitting of the court, at the term such judgment or verdict shall be given. In all cases where a new trial shall be granted on account of improper instructions having been given by the judge, or improper evidence admitted, or because the verdict of the jury is contrary to the weight of the evidence, or for any other cause not the fault of the party applying for such new trial, said new trial shall be granted without costs, and as of right.

§ 57. Whenever an entire verdict shall be given on several counts, the same shall not be set aside or reversed on the ground of any defective count, if one or more of the counts in the declaration be sufficient to sustain the verdict. Defective counts.

§ 58. When judgment shall be arrested for any defect in the record of proceedings after the first process, the plaintiff shall not be compelled to commence his action anew; but the court shall order new pleadings to commence with the error that caused the arrest. Arrest of judgment.

§ 59. If, during the progress of any trial in any civil cause, either party shall allege an exception to the opinion of the court, and reduce the same to writing, it shall be the duty of the judge to allow said exception, and sign and seal the same, and the said exception shall thereupon become a part of the record of such cause. Exceptions.

§ 60. Exceptions taken to decisions of the court, upon the trial of causes in which the parties agree that both matters of law and fact may be tried by the court, and in appeal cases, tried by the court without the intervention of a jury, shall be deemed and held to have been properly taken and allowed, and the party excepting may assign for error, before the supreme court, any decision so excepted to, whether such exception relates to receiving improper, or rejecting proper testimony, or to the final judgment of the court upon the law and evidence. Causes tried by the court.

§ 61. Exceptions taken to decisions of the court, overruling motions in arrest of judgment, motions for new Exceptions to be allowed.

trials, motions to amend, and for continuances of causes, shall be allowed; and the party excepting may assign for error any decision so excepted to.

Exceptions in criminal cases.

§ 62. Exceptions taken to decisions of any court in this state, overruling motions in arrest of judgment for new trials, or for continuances, or change of venue, shall be allowed in criminal cases, and in penal and *qui tam* actions; and the party excepting to such decisions may assign the same for error, in the same manner as in civil cases.

Affidavits.

§ 63. All affidavits read in court during the progress of any cause, and relating thereto, shall be filed and preserved by the clerk.

Stay of proceedings.

§ 64. A party intending to move, out of term, to set aside or quash any execution, replevin bond or other proceedings, may apply to the judge at his chamber, for a certificate (and which the said judge may in his discretion grant), certifying that there is probable cause for staying further proceedings until the order of the court on the motion; and a service of a copy of the certificate at the time of, or after the service of the notice of the motion, shall thenceforth stay all further proceedings accordingly. But in no case shall the judge grant such certificate when the error complained of may, by the direction of the judge to the clerk issuing the process, be corrected, but the judge shall order the correction, and the clerk shall make the correction in the process as if ordered in term time; nor unless the applicant shall have given notice of such motion to the opposite party, or his attorney of record, if they or either of them can be found in the county from which the writ issued.

Confession of judgments.

§ 65. Any person, for a debt *bona fide* due, may confess judgment by himself or attorney duly authorized, either in term time or vacation, without process. Judgments entered in vacation shall have like force and effect, and from the date thereof become liens, in like manner and extent as judgments entered in term.

Errors.

§ 66. The writ of error *coram nobis* is hereby abolished, and all errors in fact committed in the proceedings of any court of record, and which by the common law could have been corrected by said writ, may be corrected by the court in which the error was committed, upon motion in writing made at any time within five years after the rendition of final judgment in the case, upon reasonable notice. When the person entitled to make such motion shall be an infant, *feme covert*, *non compos mentis*, or under duress, at the time of passing judgment, the time of such disability shall be excluded from the computation of said five years.

Appeal, bond.

§ 67. Appeals from all circuit courts and from the superior court of Cook county, may be taken to the supreme court from all final judgments, decrees and orders: *Provided*, such appeals shall be prayed for and allowed at the

term at which the judgment, decree or order was rendered: *And, provided*, the party praying for such appeal shall, within such time, not less than twenty days, as shall be limited by the court, give and file in the office of the clerk of the court from which the appeal is prayed, bond, in a reasonable amount to secure the adverse party, to be fixed by the court, with sufficient security to be approved by the court. If the appeal is from a judgment or decree for the recovery of money, the condition of the bond shall be for the prosecution of such appeal, and the payment of the judgment, interest, damages and costs, in case the judgment is affirmed. In all other cases the condition shall be directed by the court with reference to the character of the judgment, decree or order appealed from. The obligee in such bond may at any time, on a breach of the condition thereof, have and maintain an action at law, as on other bonds.

§ 68. The clerk of the court may, by order of the court, made at the time of praying the appeal, and entered of record, approve of the security offered upon such bond, and such approval may be made in term time or vacation. Security on bond.

§ 69. Hereafter no appeal to the supreme court shall be dismissed by reason of any informality or insufficiency of the appeal bond, if the party taking such appeal shall, within a reasonable time, to be fixed by the court, file a good and sufficient appeal bond in such cause, to be approved by said court. Insufficiency of bond.

§ 70. In all cases where a judgment or decree shall be rendered in any circuit court, or in the superior court of Cook county, in any case whatever, either in law or in chancery, against two or more persons, either one of said persons shall be permitted to remove said suit to the supreme court, by appeal or writ of error, and for that purpose shall be permitted to use the names of all of said persons, if necessary; but no costs shall be taxed against any person who shall not join in said appeal or writ of error. And all such cases shall be determined in said supreme court as other suits are, and in the same manner that it would have been if all the parties had joined in said appeal or writ of error. When judgment is against two or more.

§ 71. The corporations of the Illinois Asylum for the Education of the Deaf and Dumb, the Illinois State Hospital for the Insane, the Illinois Institution for the Education of the Blind, and the Board of Education of the State of Illinois, and all other charitable, educational, penal or reformatory institutions under the patronage or control of the state, may, in all cases of appeal or writ of error by them to the supreme court, prosecute the same without giving bond; and the supreme court, or the judges thereof, in vacation, may grant writs of *supersedeas*, or any writs of error or appeal, when prosecuted by said corporations, without requiring any bond to be given, as is now required by law. State institutions.

Copies of records.

§ 72. Authenticated copies of records of decrees, judgments and orders appealed from, shall be filed in the office of the clerk of the supreme court, on or before the second day of the succeeding term of said court: *Provided*, twenty days shall have intervened between the date of the decree, judgment or order appealed from, and the sitting of said supreme court; but if ten days, and not twenty, shall have intervened, as aforesaid, then the record shall be filed, as aforesaid, on or before the tenth day of said succeeding term; otherwise, the said appeal shall be dismissed, unless further time to file the same shall have been granted by the supreme court upon good cause shown.

Judgment against appellant.

§ 73. When appeals from decrees, judgments or orders for the recovery of money are dismissed by the supreme court for want of prosecution, or for failing to file authenticated copies of records, as required by law, the court shall enter judgment against the appellant for not less than five nor more than ten per cent. damages on the amount recovered in the inferior court—for the collection of which the appellee shall be entitled to execution as on other judgments.

Agreed case.

§ 74. The parties in any suit or proceeding at law, or in chancery, in any circuit court, or the superior court of Cook county, may make an agreed case, containing the points of law at issue between them, and file the same in the said court; and the said agreed case, with the decision thereon, may be certified to the supreme court by the clerks of such courts, without certifying any fuller record in the case; and upon such agreed case being so certified and filed in the supreme court, the appellant or plaintiff in error may assign errors, and the case shall then be proceeded in in the same manner as it might have been had a full record been certified to said supreme court.

Questions certified to supreme court.

§ 75. Any judge of a circuit court, or the superior court of Cook county, may, if the parties litigant assent thereto, certify any question or questions of law arising in any case tried and finally determined before him, to the supreme court, together with his decision thereon, or the parties in the suit may agree as to the questions or points of law arising in the case, and the same may be certified by the counsel or attorneys of the respective parties, who shall sign their names thereto; and upon such certificate being made, the same shall be filed in the court rendering the decision, and a copy of such certificate, certified by the clerk of said court, with the decision thereon, and final decision in the case, to the supreme court, and filed therein; and upon filing the same, the like proceedings may be had in the supreme court as if a full and complete record had been transcribed and certified to said court.

Title to real estate.

§ 76. The two preceding sections shall not apply to cases in which the title to real estate is in question.

§ 77. No writ of error shall operate as a *supersedeas* *Supersedeas*, unless the supreme court, or some justice thereof in vacation, after inspecting a copy of the record, shall order the same to be made a *supersedeas*, nor until the party procuring such writ shall file a bond in the manner and with the conditions required in case of appeal; when the clerk issuing such writ shall indorse thereon that it shall be a *supersedeas*, and operate accordingly. And the parties in writs of error shall be subject to the same judgment and mode of execution as is provided in case of appeal.

§ 78. In all cases of appeal to the supreme court, or writ of error, the appellee or defendant in error may assign cross errors; and the court shall dispose of the same as in other cases of assignment of error. Cross errors.

§ 79. No judgment, decree or order shall be reversed by the supreme court upon appeal or writ of error, for want of a joinder in error; but upon error being assigned, if the opposite party does not plead in proper time, the cause shall be treated as if error had been joined. Joinder in error.

§ 80. In all cases of appeal and writs of error, the supreme court may give final judgment and issue execution, or remand the cause to the inferior court, in order that an execution may be there issued, or that other proceedings may be had thereon. Judgment of supreme court.

§ 81. The supreme court, in case of a partial reversal, shall give such judgment or decree as the inferior court ought to have given, and for this purpose may allow the entering of a *remittitur* either in term time or vacation, or remand the cause to the inferior court for further proceedings, as the case may require. Partial reversal.

§ 82. When an appeal or writ of error shall be prosecuted from a judgment, decree or order to the supreme court, and such appeal or writ of error is dismissed, or the judgment, decree or order is affirmed, upon a copy of the order of the supreme court being filed in the office of the clerk of the court from which the case was removed, execution may issue, and other proceedings be had therein in all respects as if no appeal or writ of error had been prosecuted. When copy of the order of supreme court is filed.

§ 83. When a cause or proceeding is remanded by the supreme court, upon a transcript of the order of the supreme court remanding the same being filed in the court from which the cause or proceeding was removed, and not less than ten days' notice thereof being given to the adverse party or his attorney, the cause or proceeding shall be reinstated therein. In case of non-resident parties, or parties who cannot be found so that personal notice can be served upon them, the notice may be given as in cases in chancery, or as may be directed by the court. When cause is remanded.

§ 84. If neither party shall file such transcript within two years from the time of the making of the final order of Cause abandoned.

the supreme court reversing any judgment or proceeding, the cause shall be considered as abandoned, and no further action shall be had therein.

Writ of error
limited.

§ 85. A writ of error shall not be brought after the expiration of five years from the passing of the judgment complained of; but when a person, thinking himself aggrieved by any decree or judgment that may be reversed in the supreme court, shall be an infant, *feme covert*, *non compos mentis*, or under duress when the same was passed, the time of such disability shall be excluded from the computation of the said five years.

Non-resident
defendant.

§ 86. When any plaintiff in error shall file in the office of the clerk of the supreme court an affidavit showing that any defendant resides or hath gone out of this state, or on due inquiry cannot be found, or is concealed within this state, so that process cannot be served upon him, and stating the place of residence of such defendant, if known, and also the place of residence of the attorney who appeared in the cause in the court to which the writ is directed, or that upon diligent inquiry their places of residence cannot be ascertained, the clerk of the supreme court shall cause publication to be made in some newspaper published in the county in which his office is kept, containing notice of the pendency of such suit, the names of the parties thereto, the title of the court, and the time and place of the return of summons in the case; and he shall also, within ten days of the first publication of such notice, send a copy thereof by mail, addressed to such defendant and attorney whose places of residence are stated in such affidavit. The certificate of the clerk that he has sent such notice in pursuance of this section, shall be evidence.

APPROVED February 22, 1872.

DESCENT OF PROPERTY.

AN ACT in regard to the descent of property.

In force July 1,
1872.

Intestate estate.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That estates, both real and personal, of residents and non-resident proprietors in this state dying intestate, or whose estates or any part thereof shall be deemed and taken as intestate estate, after all just debts and claims against such estates are fully paid, shall descend to and be distributed in manner following, to-wit:*

First—To his or her children and their descendants, in equal parts; the descendants of the deceased child or grandchild taking the share of their deceased parents in equal parts among them.

Second—When there is no child of the intestate, nor descendant of such child, and no widow or surviving husband, then to the parents, brothers and sisters of the deceased, and their descendants, in equal parts among them, allowing to each of the parents, if living, a child's part, or to the survivor of them if one be dead, a double portion; and if there is no parent living, then to the brothers and sisters of the intestate, and their descendants.

Third—When there is a widow or surviving husband, and no child or children, or descendants of a child or children of the intestate, then (after the payment of all just debts), one-half of the real estate and the whole of the personal estate shall descend to such widow or surviving husband as an absolute estate forever.

Fourth—When there is a widow or a surviving husband, and also a child or children, or descendants of such child or children of the intestate, the widow or surviving husband shall receive as his or her absolute personal estate, one-third of all the personal estate of the intestate.

Fifth—If there is no child of the intestate, or descendant of such child, and no parent, brother or sister, or descendant of such parent, brother or sister, and no widow or surviving husband, then such estate shall descend in equal parts to the next of kin to the intestate, in equal degree (computing by the rules of the civil law), and there shall be no representation among collaterals, except with the descendants of brothers and sisters of the intestate; and in no case shall there be any distinction between the kindred of the whole and the half blood.

Sixth—If any intestate leaves a widow or surviving husband and no kindred, his or her estate shall descend to such widow or surviving husband.

Seventh—If the intestate leaves no kindred, and no widow or husband, his or her estate shall escheat to the state.

§ 2. An illegitimate child shall be heir of its mother and any maternal ancestor, and of any person from whom its mother might have inherited; if living; and the lawful issue of an illegitimate person shall represent such person, and take, by descent, any estate which the parent would have taken, if living.

Illegitimate
child.

Second—The estate, real and personal, of an illegitimate person, shall descend to and vest in the widow or surviving husband and children, as the estate of other persons in like cases.

Third—In case of the death of an illegitimate intestate leaving no child or descendant of a child, the whole estate,

personal and real, shall descend to and absolutely vest in the widow or surviving husband.

Fourth—When there is no widow or surviving husband, and no child or descendants of a child, the estate of such person shall descend to and vest in the mother and her children, and their descendants—one-half to the mother, and the other half to be equally divided between her children and their descendants—the descendants of a child taking the share of their deceased parent or ancestor.

Fifth—In case there is no heir as above provided, the estate of such person shall descend to and vest in the next of kin to the mother of such intestate, according to the rule of the civil law.

Sixth—When there are no heirs or kindred, the estate of such person shall escheat to the state, and not otherwise.

When parents have intermarried.

§ 3. An illegitimate child, whose parents have intermarried, and whose father has acknowledged him or her as his child, shall be considered legitimate.

Personal estate as advancement

§ 4. Any real or personal estate given by an intestate in his life-time as an advancement to any child or lineal descendant, shall be considered as part of the intestate's estate, so far as it regards the divisions and distribution thereof among his issue, and shall be taken by such child or other descendant towards his share of the intestate's estate; but he shall not be required to refund any part thereof, although it exceeds his share.

Real estate advanced.

§ 5. If such advancement is made in real estate, and the value thereof is expressed in the conveyance or in the charge thereof made by the intestate, or in the written acknowledgment thereof by the party receiving it, it shall be considered as of that value in the divisions and distribution of the estate; otherwise, it shall be estimated according to its value when given.

Value of advancement estimated.

§ 6. If such advancement is made in personal estate of the intestate, the value thereof to be estimated the same as that of real estate; and if, in either case, it exceeds the share of real or personal estate, respectively, that would have come to the heir so advanced, he shall not refund any part of it, but shall receive so much less of the other part of the intestate's estate as will make his whole share equal to the shares of other heirs who are in the same degree with him.

Advancement expressed in writing.

§ 7. No gift or grant shall be deemed to have been made in advancement unless so expressed in writing or charged in writing, by the intestate, as an advancement, or acknowledged in writing by the child or other descendant.

When descendant dies before intestate.

§ 8. If a child, or other descendant so advanced, dies before the intestate, leaving issue, the advancement shall be taken into consideration in the division or distribution of the estate of the intestate, and the amount thereof shall be allowed accordingly by the representatives of the heirs so advanced, as so much received towards their share of the

estate, in like manner as if the advancement had been made directly to them.

§ 9. A posthumous child of an intestate shall receive its just proportion of its ancestor's estate, in all respects, as if he had been born in the life time of the father. Posthumous child.

§ 10. If, after making a last will and testament, a child shall be born to any testator, and no provision be made in such will for such child, the will shall not on that account be revoked; but unless it shall appear by such will that it was the intention of the testator to disinherit such child, the devises and legacies by such will granted and given, shall be abated in equal proportions to raise a portion for such child equal to that which such child would have been entitled to receive out of the estate of such testator if he had died intestate, and a marriage shall be deemed a revocation of a prior will. When no provision is made.

§ 11. Whenever a devisee or legatee in any last will and testament, being a child or grandchild of the testator, shall die before such testator, and no provision shall be made for such contingency, the issue, if any there be, of such devisee or legatee, shall take the estate devised or bequeathed as the devisee or legatee would have done had he survived the testator, and if there be no such issue at the time of the death of such testator, the estate disposed of by such devise or legacy shall be considered and treated in all respects as intestate estate. When devisee or legatee shall die.

§ 12. All such estate, both real and personal, as is not devised or bequeathed in the last will and testament of any person, shall be distributed in the same manner as the estate of an intestate; but in all such cases the executor or executors, administrator or administrators, with the will annexed, shall have the preference in administering on the same. Undevised estate.

§ 13. The following acts and parts of acts are hereby repealed, to-wit: Sections thirteen, fourteen, forty-six, forty-seven, fifty-one, fifty-two, fifty-three, fifty-four and one hundred and twenty-eight, of chapter one hundred and nine of the Revised Statutes of 1845; an act entitled "An act to amend an act concerning 'Wills,'" approved February 11, 1847; an act entitled "An act concerning the descent of property in this state," approved February 12, 1853; an act entitled "An act to amend an act concerning the descent of real property in this state," approved February 12, 1853, approved February 11, 1857, also all other acts inconsistent with the provisions of this act: *Provided*, that nothing contained in this section shall be so construed as to affect any suits that may be pending, or any rights that have accrued at the time this act shall take effect. Acts repealed.

APPROVED April 9, 1872.

DRAINS AND LEVEES.

In force July 1, AN ACT to provide for the construction and protection of drains, ditches, levees and other works.
1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when-
 Across lands of others.
 Petition.
 ever one or more owners or occupants of lands shall desire to construct a drain or drains, ditch or ditches, across the lands of others for agricultural and sanitary purposes, such person or persons may file a petition in the county court of the county in which the drain or drains, ditch or ditches shall be proposed to be constructed, setting forth the necessity of the same, with a description of its or their proposed starting point, route and terminus ; and if it shall be deemed necessary for the drainage of the land of such petitioners that a levee or other work be constructed, the petitioners shall so state and set forth a general description of the same as proposed, and may pray for the appointment of commissioners for the construction of such work, pursuant to the provisions of this chapter.

Notices.
 § 2. Such petition having been filed, as provided in the preceding section, the petitioners shall cause at least two weeks' notice to be given by posting notices in at least three of the most public places in each congressional township through which the drain or drains, ditch or ditches, levee or other work is or are proposed to be constructed, or if the same shall not be inhabited, in the nearest inhabited township, and by publishing a copy thereof in some newspaper published in the county in which the petition is filed, at least once in each week for two successive weeks ; or if no newspaper is published in such county, then in the nearest newspaper published in the state. Such notice shall state when and in what court the petition is filed, the starting point, route and terminus of the proposed drain or drains, ditch or ditches, or levees ; and if a levee or other work is intended to be constructed in connection therewith, shall so state, and at what term of court the petitioners will ask a hearing upon such petition.

County court to hear petition.
 § 3. The county court in which such petition shall be filed, may hear the petition at any probate or law term thereof, and may determine all matters pertaining thereto under this act, and may adjourn the hearing from time to time, or continue the case for the want of sufficient notice, or other good cause.

Lands in different counties.
 § 4. In case the drain or drains, ditch or ditches, levee or other work proposed to be constructed shall pass through or over, or be constructed upon lands lying in different

counties, the petition may be filed in the county court of either of such counties.

§ 5. On the hearing of any petition filed under the provisions of this chapter, all parties through or upon whose land any of the proposed work may be constructed, or whose land may be damaged or benefited thereby, may appear and contest the necessity or utility of the proposed work, or any part thereof, and the contestants and petitioners may offer any competent evidence in regard thereto. If it shall appear to the court that the proposed drain or drains, ditch or ditches, levee or other work is, or are necessary, or will be useful for the drainage of the lands proposed to be drained thereby for agricultural and sanitary purposes, the court shall so find, and appoint three competent persons as commissioners to lay out and construct such proposed work. In case the lands to be drained shall be situated in different counties, not more than two of the commissioners shall be chosen from any one of such counties. If the court shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners.

Parties interested may contest.

Commissioners.

§ 6. Before entering upon the duties of their office, such commissioners shall take and subscribe an oath faithfully to discharge the duties of their office without favor or partiality, and to render a true account of their doings to the court by which they were appointed, whenever required by law or by the order of the court.

Commissioners to take oath.

§ 7. They shall elect one of their number chairman, and may elect one of their number, or some other person, as secretary.

Chairman and secretary.

§ 8. A majority of the commissioners shall constitute a quorum, and a concurrence of a majority of their number in any matter within their duties, shall be sufficient.

Quorum.

§ 9. As soon as may be after their appointment, or within such time as the court may direct, the commissioners shall examine the land of the petitioners proposed to be drained, and the lands over or upon which the work is proposed to be constructed, and inquire and determine—

Land to be examined by commissioners.

First—Whether the starting point, route and terminus of the proposed drain or drains, ditch or ditches, and if a levee or other work is proposed, the proposed location thereof, is or are in all respects proper or most feasible; and if not, what is or are so.

Second—The probable cost of the proposed work, including all incidental expenses, and the expenses of the proceeding therefor.

Third—What lands will be injured thereby, and the probable aggregate amount of all damages such lands will sustain by reason of the laying out and construction of the proposed work.

Fourth—What lands will be benefited by the construction of the proposed work, and whether the aggregate

amount of benefits will equal or exceed the costs of constructing such work, including all incidental expenses and costs of the proceeding.

Costs, expenses and benefits.

§ 10. If the commissioners shall find that such costs and expenses are more than equal to the benefits there will be bestowed upon the land to be benefited, they shall so report, and the proceedings shall be dismissed at the cost of the petitioners.

When costs and expenses are less than benefits.

§ 11. If the commissioners shall find that the proposed work, or such portion of the same as will be satisfactory to the petitioners, can be done at a cost and expense not exceeding such benefits, they shall proceed to have the proper surveys, profiles, plans and specifications thereof made, and shall report their conclusions and a copy of such surveys, profiles, plans and specifications to the court which appointed them.

Commissioners to determine as to construction.

§ 12. The commissioners shall not be confined to the point of commencement, route or terminus of the drains or ditches, or to the number, extent or size of the same, or the location, plan or extent of any levee or other work to that proposed by the petitioners, but shall locate, design, lay out and plan the same in such manner as they shall think will drain the petitioners' land with the least damage, and greatest benefit of all lands to be affected thereby; and any plans proposed by such commissioners may, on the application of any person interested, or of the commissioners, be altered, upon the order of the court, in such manner as shall appear to the court to be just.

When report is filed.

§ 13. Upon the report of the commissioners being filed with the clerk of the court appointing such commissioners, they shall cause notice to be given in the same manner as is provided in section two of this chapter, which notice shall state the time of filing such report, and upon what day application will be made for the confirmation of such report, at which time all persons interested may appear and contest the confirmation thereof, or that the same ought to be modified in any particular, and may offer any competent evidence in support thereof.

Objections.

§ 14. If upon the hearing the court shall be of opinion that the objections are not well taken, or if no objection shall be made, it shall order the confirmation thereof. If it shall appear that the same ought to be modified, and the court shall be sufficiently informed in the premises, it shall modify the same to conform to the equities in the premises; or if not sufficiently informed it shall order the commissioners to review and correct their report, and may make specific directions in what respect they shall reform their report. And the court may make all necessary orders in the premises, either for the continuance of the hearing or other lawful purpose.

§ 15. If the report is referred back to the commissioners for amendment, the court may fix a day when the commissioners shall again present their report, in which case the hearing shall stand adjourned to that day, and no further notice shall be required thereof. If no day shall be fixed for such report the cause shall be continued to the next term of court, when it shall stand for hearing.

Report referred back to commissioners.

§ 16. When the report of the commissioners shall be confirmed, the court may impanel a jury of twelve men competent to serve as jurors, who shall be sworn to faithfully and impartially perform the duties required of them to the best of their understanding and judgment, and to make their assessment of damages and benefits according to law; or the court may direct that a jury be impaneled before a justice of the peace, for the assessment of damages and benefits, in which case the commissioners may apply to any justice of the peace in the county, who shall immediately, without the formality of any written application, proceed to summons and impanel a jury of six men competent to serve as jurors, who shall be sworn in the same manner as is above provided in case of a jury impaneled by the court in which the proceeding is pending, and the justice shall enter upon his docket a minute of such proceeding before him, and the name of the jurors.

Report confirmed.

§ 17. In either case the jurors shall elect one of their number as foreman, and shall proceed to examine the land to be affected by the proposed work, and ascertain, to the best of their ability and judgment, the damages and benefits which will be sustained by, or will accrue to, the land so affected by the construction of the proposed work, and shall make out an assessment roll, in which shall be set down in proper columns the names of owners, when known, a description of the premises affected, in words or figures, or both, as shall be most convenient; the number of acres in each tract, and if damages are allowed, the amount of the same; and if benefits are assessed, the amount of the same; and in case damages are allowed to and benefits assessed against the same tract of land, the balance, if any, shall be carried forward to a separate column for damages or benefits, as the case may be.

Jurors.

§ 18. In making such assessment the jury shall award and assess the damages and benefits in favor of and against each tract separately, in the proportion in which such tract of land will be damaged or benefited; and in no case shall any tract of land be assessed for benefits in a greater amount than its proportionate share of the estimated cost of the work and expenses of the proceeding, nor in a greater amount than it will be benefited by the proposed work, according to the best judgment of the jury.

Damages and benefits to be assessed separately.

§ 19. Whenever it shall appear to the jury that a drain, ditch, levee or other work has been, in whole or in part,

When drains, etc., have been constructed.

constructed for the purpose of draining any land to be affected by the work proposed under this chapter, and such work shall be found to be a benefit to such lands, and any of the lands to be benefited have borne any part of the expense of such work, either pursuant to an assessment or otherwise, the jury may allow to the owner of such land, and deduct from the assessment which they may make against the same, the amount of the expense of such work so borne by such lands, or such part thereof as will make an equality of burdens and benefits, as between the several owners of lands benefited.

When assessment is completed.

§ 20. When the jury shall have completed their assessment of damages and benefits, they shall fix a time and place when and where they will attend, in case the jury was impaneled by the court in which the petition is filed, before some justice of the peace in the county where some part of the land affected is situated; or if the jury was impaneled by a justice of the peace, before the same justice, for the correction of their assessment; and the commissioners or the jury shall give at least ten days' notice of such time and place, by posting notices as required in section two of this chapter, and by causing a copy of such notice to be sent by mail, addressed to each owner or occupant of land allowed for damages or assessed for benefits, whose name and residence is known to the commissioners. The affidavit of any credible person that he deposited such notice in the post office, addressed to the owner or occupant named, at his place of residence, postage paid, shall be sufficient evidence of the sending of such copy of notice pursuant to this section.

Jury to hear objections.

§ 21. The jury shall appear at the time and place appointed, and shall hear all objections that may then and there be made by the owners or occupants of any lands which may be allowed damages or assessed for benefits, or by the commissioners, to the allowance of damages to or assessment of benefits against any tract of land, and shall make such corrections as shall seem to them just, and shall adjust such assessment so as to make the same just and equitable.

Justice of the peace to preside.

§ 22. At such hearing the justice of the peace shall preside, and may compel the attendance of witnesses and enforce order in the same manner as in other cases before justices of the peace; and in case any juror impaneled shall fail to appear, may attach him for contempt, or may impanel another in his stead, and may at any time during the proceedings in making or considering their assessment, impanel jurors in the place of any who shall refuse or fail to act, and administer to such jurors the oath required by the sixteenth section of this chapter.

Assessment to be confirmed.

§ 23. If no objection shall be made to the assessment at the time and place so appointed to hear objections, or when

found correct, or corrected upon the hearing, the jury shall confirm such assessment, which shall be certified by the foreman of the jury and delivered to the commissioners, who shall return the same to the next term of the court in which the petition shall have been filed, and the same shall stand for hearing at that term, or may, for good cause, be continued.

§ 24. The commissioners, or any person who shall have made objections to such assessment, may appeal from the finding of the jury to the court in which the assessment is returned, by giving notice of his or their intention to take such appeal, within ten days after such confirmation by the jury, and filing with the clerk of such court his or their bond, payable to the opposite party, with such security and in such an amount as shall be approved by the clerk, conditioned to pay all costs that may accrue by reason of such appeal, and if the appeal is by an owner or occupant of land assessed for benefits, to pay such an amount as shall be found against him on account of benefits to his land by reason of such work. Appeal may be taken.

§ 25. The trial upon appeal may be in the same manner as other appeals from justices of the peace, and in case the assessment of damages or benefits shall be changed from that returned to the court, the court shall cause the assessment roll to be amended to conform thereto. Trial upon appeal.

§ 26. When the assessment roll shall have been corrected as aforesaid, or in case no correction shall be required to be made, the court shall confirm the same, and cause it to be spread upon the records, and appeal or writ of error shall be allowed therefrom. Assessment roll corrected.

§ 27. At the time of confirming such assessment, it shall be competent for the court to order the assessment of benefits, to be paid in installments of such amounts, and at such times, as will be convenient for the accomplishment of the proposed work, otherwise the whole amount of such assessment shall be payable immediately upon such confirmation, and shall be a lien upon the lands assessed until paid. Benefits paid in installments.

§ 28. Immediately after the entry of such confirmation by the court, the clerk shall make out and certify to the commissioners a copy of such assessment roll, and shall also make out and deliver to the commissioners separate copies of the same, pertaining to the lands situated in different counties, which shall be recorded in the recorder's office of the respective counties in which the lands are situated, and shall be notice of the lien thereof to all persons. Clerk to certify roll.

§ 29. The commissioners, upon receiving such certified copy of such assessment, may proceed to collect the same or any installment thereof, or they may certify such assessment or any installment thereof which they may be entitled to collect at the time, to the county clerk of the county in Commissioners to proceed to collect.

which the lands assessed may be situated, who shall extend the same in a separate column, upon the proper tax books for the collection of state and county taxes, and such assessment or installment thereof so extended, shall be collected and enforced in the same manner as state and county taxes: *Provided*, the owner, agent or occupant of any land through or on which any drain, ditch or levee shall be constructed, shall have the right, under the direction of said commissioners, within such time as they shall prescribe, to construct such drain, ditch or levee, or any part thereof, at his own cost, and in case he shall so construct the same he shall be allowed for the value thereof upon his assessment.

Installments to
draw interest.

§ 30. In case the assessment for benefits shall be payable in installments, such installments shall draw interest at the rate of ten per centum per annum from the time they shall become payable till they are paid, and such interest may be collected and enforced as part of the assessment.

List of delin-
quent lands.

§ 31. When the commissioners shall have elected to collect any assessment or installment thereof, themselves, or shall not have caused the same to be extended upon the state and county tax books, and any assessment or installment shall be due and uncollected, and as often as any installment shall become due and be uncollected at the time for making return of the tax books for the collection of state and county taxes next succeeding the time of the receipt of the certified copy of the assessment by the commissioners, or the falling due of any installment, the commissioners may return a certified list of such delinquent lands, with the amount due thereon, to the officer who shall be authorized by law to receive the return of the books for the collection of state and county taxes in the counties or respective counties where the lands are situated, who shall proceed to collect and enforce the same, in the same manner as other taxes or special assessments are enforced, and shall pay over the amount so collected to the commissioner.

Return of the
commissioners,

§ 32. If three months shall not intervene between the time of the delivery of an assessment warrant to the commissioners, or the falling due of the last of several installments upon any such warrant, and the time for making return of tax books for the collection of state and county taxes in that year, the commissioners may make their return at or before the time for making such returns in the succeeding year.

Commissioners
to give bond.

§ 33. The commissioners appointed by virtue of this chapter shall not collect or receive any money for the purposes therein specified, until they shall have given bond, payable to the People of the State of Illinois, for the use of all persons interested, in a sum not less than twice the amount of the assessment for benefits, payable in any one year, with such security as shall be approved by the judge of the court, conditioned for the faithful application of all

moneys that may be received by them as such commissioners, and to make due account thereof to the court whenever required, which bond shall be filed in the court in which the proceedings are had. The court may require additional bond from time to time.

§ 34. The commissioners, when appointed and qualified pursuant to this chapter, may do any and all acts that may be necessary in and about the surveying, laying out, constructing, repairing, altering, enlarging, cleaning, protecting and maintaining any drain, ditch, levee or other work for which they shall have been appointed, including all necessary bridges, crossings, embankments, protections, dams and side drains, and may employ all necessary agents and servants, and enter into all necessary contracts, and sue and be sued.

Commissioners
to perform all
necessary acts.

§ 35. The commissioners may borrow money, not exceeding in amount the amount of assessment unpaid at the time of borrowing, for the construction of any work which they shall be authorized to construct, and may secure the same by notes or bonds, bearing interest at a rate not exceeding ten per cent. per annum, and not running beyond one year after the last assessment, on account of which the money is borrowed, shall fall due, which notes or bonds shall not be held to make the commissioners personally liable for the money borrowed, but shall constitute a lien upon the assessment for the repayment of the principal and interest thereof.

Commissioners
may borrow
money.

§ 36. When it shall appear that a drain, ditch, levee or other work has been, in whole or in part, constructed for the purposes of draining any land to be benefited by the construction of any work which they shall be authorized to construct, and the whole or any part of the cost of such work shall have been paid or incurred by any person or corporation, if such work shall be valuable for the purposes of draining the land, and can be made useful therefor by such commissioners, according to their plans, they may allow and pay to such person or corporation the actual value thereof for such purpose.

Drains, etc.,
already con-
structed.

§ 37. All damages over and above the benefits to any tract of land shall be payable out of the amounts assessed against other lands for benefits, and shall be paid or tendered to the owner thereof, before the commissioners shall be authorized to enter upon his land for the construction of any work thereon. In case the owner is unknown, or there shall be a contest in regard to the ownership of the land, or the commissioners cannot for any reason safely pay the same to the owner, they may deposit the same with the clerk of the court, and the court may order the payment thereof to such party as shall appear to be entitled to the same.

Damages over
and above ben-
efits.

Removal of commissioners. § 38. The court may, at any time, remove any commissioner appointed by it, and appoint another in his place, and may fill all vacancies by death, resignation, removal, or otherwise, and may appoint a new commission, or authorize the commissioners appointed to repair or cleanse any work, ditch or drain that shall have been constructed.

New assessments. § 39. Any one or more new assessments may be made in the manner hereinbefore provided, on the suggestion of the commissioners, or any owner or occupant of lands affected by any work authorized by this chapter, either to supply any deficiency in any other assessment, or to repair, alter, enlarge, cleanse, protect, or maintain any drain, ditch, levee or other work constructed by virtue of this chapter.

Compensation of commissioners. § 40. The commissioners shall receive for their services the sum of three dollars per day for each day they shall be actually engaged in the business of their appointment. They shall fix the compensation of all other servants and agents.

To report to the court. § 41. The commissioners shall, as often as once in each year after their appointment, and as much oftener as the court shall require, make a report to the court by which they were appointed, showing the amount of money by them collected, and the amount and kind of work done, and the manner in which the same is being done.

When cost does not exceed five thousand dollars. § 42. When the cost of any proposed drain, ditch, levee or other work authorized by this chapter to be done will not exceed the sum of five thousand dollars, and will not extend through or into more than three congressional townships, the petition may, if the petitioners shall so elect, be filed with a justice of the peace in the county where the land to be affected, or the major part thereof, is situated; and all the proceedings authorized by this chapter to be had in the county court, in cases where the petition is filed in such court, may be had before such justice of the peace, and the assessment of damages and benefits shall be conducted before such justice in the same manner, as near as may be, as in cases commenced by petition before such county court. And appeals may be taken from the final judgment of the justice of the peace to the county court, within the same time and in the same manner as appeals may be taken from the findings of the jury in cases commenced in the county court; and the assessment of benefits may be collected and enforced as in such cases before the county court.

Proceedings before a justice. § 43. When the proceedings shall be had before a justice of the peace, the justice shall direct the commissioners of highways of the town or township—or in case the drain, ditch or other work shall be located in several towns or townships, the commissioners of the several townships as a joint board—to lay out and construct such work, and perform the duties required of commissioners appointed under this chapter; and such commissioners of highways shall

have all the power and authority, and may perform all acts and shall discharge all the duties, bestowed upon or required of commissioners appointed by the county court.

§ 44. If any commissioner of highways shall refuse or neglect to discharge any of the duties imposed upon him by virtue of this chapter, he shall, for every such refusal or neglect, be liable to any party aggrieved for all damages sustained by him, and upon conviction may be fined in any sum not exceeding one hundred dollars, and be removed from his office.

Neglect or refusal to discharge duties.

§ 45. Any person who shall wrongfully and purposely fill up, cut, injure, destroy, or in any manner impair the usefulness of any drain, ditch or other work constructed under this chapter, or that may have been heretofore constructed, for the purposes of drainage or protection against overflow, may be fined in any sum not exceeding two hundred dollars, to be recovered before a justice of the peace in the proper county, or if the injury be to any levee, whereby lands shall be overflowed, he may, on conviction in any court of competent jurisdiction, be fined in any sum not exceeding five thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court. All complaints under this section shall be in the name of the People of the State of Illinois, and all fines, when collected, shall be paid over to the proper commissioners, to be used for the work so injured.

Injury to works—penalty.

§ 46. In addition to the penalties provided in the preceding section, the person so wrongfully and purposely filling up, cutting, injuring, destroying or impairing the usefulness of any such drain, ditch, levee or other work, shall be liable to the commissioners having charge thereof for all damages occasioned to such work, and to the owners and occupants of land for all damages that may result to them by such wrongful act, which may be recovered before a justice of the peace, if within his jurisdiction, or before any court of competent jurisdiction.

Liable for damages.

APPROVED April 24, 1871.

AN ACT to provide for the registration of drainage and levee bonds, and secure the payment of the same. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever it shall appear by the finding of the court before which any proceeding is pending or may be had, pursuant to the provisions of an act entitled "An act to provide for the construction and protection of drains, ditches, levees and other

To be public works.

works," approved April twenty fourth, eighteen hundred and seventy-one, that any drain, ditch, levee, or other work authorized by said act to be made, will be of public benefit for the promotion of the public health or in reclaiming or draining lands, the same shall be deemed a public work, and the control thereof shall be subject to such other and further enactments as may hereafter be provided.

Bonds to be registered.

§ 2. Whenever the commissioners, appointed to lay out and construct, or construct or repair or improve any such drain, ditch, levee or other work, shall be authorized by order of the court to borrow money, and shall issue bonds as provided in section thirty-five of said act, in the aggregate amount of not less than twenty-five thousand dollars, it shall be lawful for the commissioners to register such bonds at the office of the auditor of public accounts; such registration shall show the date, amount, number, maturity and rate of interest of such bonds, and the auditor shall, under his seal of office, certify upon each bond the fact of such registration.

Assessment roll to be filed.

§ 3. At the same time that the bonds are registered by the auditor, the commissioners shall file with the auditor a copy of the assessment roll, and shall also file with the respective county clerks of the counties in which the land assessed is situated, a copy of so much of the same as lies within their counties respectively, and thereafter the assessment upon such property shall be extended and collected in the manner provided in section twenty-nine of said act, and shall not be collected by the commissioners.

Duties of the auditor.

§ 4. It shall be the duty of the auditor, annually, before the time of settlement of county collectors for state taxes, to make out and forward to the several county collectors of the counties in which the assessed land may be situated, a statement of the amount of the assessment collectable in that year that may be required to pay the interest upon such bonds for that year, and to insure the payment of the principal of such bonds out of such assessment; and upon the collection of the installments upon such assessment the county collectors shall pay into the state treasury the amount so certified, to the credit of said commissioners, which shall be held and paid out by the state treasurer, as hereinafter provided.

Liability of the state.

§ 5. The state shall be deemed the custodian only of the amounts so paid over to the state treasurer, and shall not be deemed in any manner liable on account of any such bonds; but the amount so collected and paid into the state treasury shall be applied in the payment of the interest and principal of such registered bonds, and if any balance remains after the payment of such bonds, the balance shall be paid over to such commissioners.

Treasurer to invest surplus.

§ 6. In case an amount shall be paid into the state treasury in any year, more than shall be sufficient to pay

the interest and principal that shall fall due in that year, the treasurer shall invest the same in interest-bearing bonds of the United States or of this state, or in the purchase of such registered bonds, and accumulate such or so much thereof as shall not be required to pay interest and principal of such bonds or be invested in the purchase of such bonds, until the whole amount of such registered bonds shall be paid.

§ 7. All laws relating to the payment of interest on the state debt or the cancellation of evidence thereof, not inconsistent with this act, shall apply to the receipt, custody and disbursement of the amount collected and paid into the state treasury under this act. Laws relating to state debt.

§ 8. Upon the payment of such registered bonds, or interest coupons, by the commissioners issuing the same, and the presentation thereof to the auditor, he shall cause the entry thereof to be made in his office. Payment of bonds.

APPROVED April 9, 1872.

DROVERS.

AN ACT concerning drovers.

In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any drover or other person engaged in driving horses, cattle, mules, hogs or sheep through any part of the state of Illinois, shall drive off, or shall knowingly and willingly suffer or permit to be driven off from the premises of any citizen of said state, or from the range in which the stock of any such citizen usually run, to any distance, exceeding five miles from such premises or range, any horse, mule, neat cattle, hogs or sheep, belonging to such citizen, it shall be lawful for the owner of any such stock so driven off, to follow and reclaim the same wherever it may be found; and for the taking and driving away, or suffering or permitting to be driven away, of such stock, the said owner shall be entitled to recover of and from said drover or other person guilty thereof, for each horse, mule, neat cattle, hog or sheep, so driven away, twice the value thereof, to be recovered in an action of debt before any justice of the peace of any county where such horses or other stock may be found, or any court having competent jurisdiction thereof: *Provided, however,* that if the drover shall not pass any habitation within said five miles, and shall separate said cattle or Stock driven off.

Owner may recover.

other stock from the drove at the next habitation, in such case, said action shall not accrue to the owner of the said property.

Action for recovery.

§ 2. In any action commenced under the preceding section, a *capias* may issue against the defendant or defendants, upon the plaintiff stating, on oath, that he believes some one or more of his cattle or other stock has been driven off by a drover, and that he believes the same to be of a certain value, to be indorsed on the writ; and the proceedings thereon shall be the same as in other actions commenced by *capias*: *Provided, however*, that no exception shall be taken to the form of the oath aforesaid.

Judgment.

§ 3. Whenever judgment shall be rendered against any person, under the provisions of this chapter, a *fiery facias* may issue thereon immediately, unless an appeal shall at once be perfected against the goods and chattels of any such defendant, without affidavit, as required in other cases.

Allowed to remain in drove.

§ 4. That whenever any drover or other person engaged in herding or driving any horses, cattle, sheep, mules or hogs, in any part of this state, shall permit any of the before named stock to remain with his drove for a longer period than two days and nights, at any one time, he shall be subject to the same penalties which are imposed in the first section of this chapter: *Provided*, that the penalties in relation to herding shall not apply, except in cases where the same are confined within inclosures.

Drive through herd.

§ 5. Any person or persons who shall ride or drive faster than a walk, into or through a herd of horses or other stock, which are being herded or driven, shall, on conviction before any justice of the peace having jurisdiction, pay a fine not less than three dollars nor more than twenty dollars for each offense, one-half to the informer, the balance to the common school fund of the township.

"Herd."

§ 6. The term "herd," as used in section five of this act, shall be taken to mean "five" or more.

Acts repealed.

§ 7. That chapter thirty-five, of the Revised Statutes of 1845, entitled "Drovers," and "An act to amend an act entitled 'an act to prevent the unlawful driving away of cattle and other stock by drovers and other persons,' approved February 3, 1841," approved February 27, 1845, and all other acts in conflict with this act, are hereby repealed.

APPROVED March 15, 1872.

DRUGS AND MEDICINES.

AN ACT to prevent the sale of drugs or medicines designed to procure criminal abortion. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no druggist, dealer in medicines, or any other person in this state, shall sell to any person or persons any drug or medicine known or presumed to be ecbolic or abortifacient, except upon the written prescription of some well known and respectable practicing physician. And any druggist or dealer in medicines filling such prescription shall, in a book especially provided for that purpose, correctly register the name of the physician prescribing, the person to whom sold, the name of the medicine or medicines, and the amount, together with the date of the sale.

To be sold on written prescription.

§ 2. No druggist, dealer in medicine, or any other person, shall keep on hand or in any manner advertise or expose for sale, or sell, any pills, powders, drugs or combination of drugs, designed expressly for the use of females, in any other manner or form than that hereinafter described, to-wit: The proprietor of any such pill, powder, drug or combination of drugs, shall submit, under oath, a true statement of the formula by which the same is compounded, to five well known and respectable practicing physicians in the county where the same is proposed to be sold. If the said five physicians unanimously agree that the proposed formula is not of an abortifacient character, they shall issue their certificate, under oath, to that effect, a copy of which shall be kept, with the formula attached, for the inspection of any person desiring to see the same, by the druggist or dealer in medicine proposing or desiring to keep for sale such medicine; and this shall be his full warrant for such sale: *Provided*, this section shall not be taken or construed to apply to such compounds as are known as "officinal."

Medicines for use of females.

§ 3. Any person or persons violating any of the provisions of this act, shall, upon conviction thereof, be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days or more than six months, for each and every offense, or by both.

Penalty.

APPROVED March 27, 1872.

EJECTMENT.

In force July 1,
1872.

AN ACT in regard to the practice in actions of ejectments.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the action of ejectment shall be retained, and may be brought in the cases and the manner heretofore accustomed, subject to the provisions hereinafter contained.

Other cases. § 2. It may also be brought: 1st. In the same cases in which a writ of right may now be brought by law, to recover lands, tenements or hereditaments, and by any person claiming an estate therein, in fee for life or for years, either as heir, devisee or purchaser.

Lease from United States or this state. § 3. In all cases in which any person has heretofore entered upon and occupied, or shall hereafter enter upon and occupy, any lands, tenements or hereditaments within this state, by virtue of any lease or permit from the United States or this state, such person, his, her or their heirs or assigns, may have and maintain an action of ejectment against any person who has or may enter upon such lands, tenements or hereditaments without the consent of such lessee, his, her or their heirs or assigns; and proof of the right of possession shall be sufficient to authorize a recovery.

Valid interest required. § 4. No person shall recover in ejectment, unless he has, at the time of commencing the action, a valid subsisting interest in the premises claimed, and a right to recover the same, or to recover the possession thereof, or of some share, interest or portion thereof, to be proved and established at the trial.

Joint tenants. § 5. Any two or more persons claiming the same premises as joint tenants, tenants in common or co-parceners, may join in a suit for the recovery thereof, or any one may sue alone for his share.

Actual occupants. § 6. If the premises for which the action is brought are actually occupied by any person, such actual occupant shall be named defendant in the suit; and all other persons claiming title or interest to or in the same, may also be joined as defendants.

When not occupied. § 7. If the premises are not occupied, the action shall be brought against some person exercising act of ownership on the premises claimed, or claiming title thereto, or some interest therein, at the commencement of the suit.

Fictitious names. § 8. The use of fictitious names of plaintiffs or defendants, and of the names of any other than the real claimants and the real defendants, and the statements of any lease or

demise to the plaintiff, and of an ejectment by a casual or nominal ejector, are hereby abolished.

§ 9. The action of ejectment shall be commenced by summons, which shall be in like form, and be issued, tested, served and returned as other summons at law. Summons.

§ 10. The time of filing declarations in actions of ejectments shall be the same as in other actions at law; and the rules of pleading and practice in other actions shall apply to actions of ejectment so far as they are applicable and except as is otherwise provided. Filing declarations.

§ 11. It shall be sufficient for the plaintiff to aver in his declaration, that (on some day therein to be specified, and which shall be after his title accrued) he was possessed of the premises in question (describing them as hereinafter provided,) and being so possessed thereof, that the defendant afterwards (on some day to be stated) entered into such premises, and that he unlawfully withholds from the plaintiff the possession thereof, to his damage any nominal sum the plaintiff shall think proper to state. Possession by plaintiff.

§ 12. The premises so claimed shall be described in such declaration with convenient certainty, so that, from such description, possession of the premises claimed may be delivered. If such plaintiff claims any undivided share or interest in any premises, he shall state the same particularly in such declaration; but the plaintiff, in any case, may recover such part, share or interest in the premises as he shall appear on the trial to be entitled to. Premises to be described.

§ 13. In every case the plaintiff shall state whether he claims in fee, or whether he claims for his own life, or the life of another, or for a term of years, specifying such life or the duration of such term. Statement of claim.

§ 14. The declaration may contain several counts, and several parties may be named as plaintiffs, jointly in one count and separately in others. Counts.

§ 15. A defendant in ejectment may, at any time before pleading, apply to the court, or to any judge thereof in vacation, to compel the attorney for the plaintiff to produce to such court or judge his authority for commencing the action in the name of any plaintiff therein. Such application shall be accompanied by an affidavit of the defendant, that he has not been served with proof, in any way, of the authority of the attorney to use the name of the plaintiff stated in the declaration. Plaintiff to produce authority.

§ 16. Upon such application the court or judge shall grant an order requiring the production of such authority, and shall stay all proceedings in the action until the same shall be produced. Any written request of such plaintiff or his agent to commence such action, or any written recognition of the authority of the attorney to commence the same, duly proved by the affidavit of such attorney or other competent witness, shall be sufficient presumptive evidence of Court to order production.

such authority. If it shall appear that, previous to such application by any defendant, he was served with a copy of the affidavit of the plaintiff's attorney, showing his authority to bring such action, such application shall be dismissed, and such defendant shall be liable for the costs of such application.

Tenant.

§ 17. Every tenant who shall, at any time, be sued in ejectment by any person other than his landlord, shall forthwith give notice thereof to his landlord, or to his agent or attorney, under the penalty of forfeiting two years rent of the premises in question, or the value thereof, to be recovered by such landlord by action of debt, in any court having cognizance thereof.

Landlord.

§ 18. The landlord, whose tenant is sued in ejectment, may, upon his own motion or that of the plaintiff, be made defendant in such action, upon such terms as may be ordered by the court.

Defendant may demur.

§ 19. The defendant may demur to the declaration, as in personal actions, or he shall plead the general issue, which shall be, that the defendant is not guilty of unlawfully withholding the premises claimed by the plaintiff, as alleged in the declaration; and the filing of such plea or demurrer shall be deemed an appearance in the cause, and upon such plea the defendant may give, in evidence, any matter that may tend to defeat the plaintiff's action, except as herein-after provided.

Consent rule.

§ 20. The consent rule, heretofore used, is hereby abolished.

Plea of not guilty.

§ 21. The plea of not guilty shall not put in issue the possession of the premises by the defendant, or that he claims title or interest in the premises.

Special plea.

§ 22. It shall not be necessary for the plaintiff to prove that the defendant was in possession of the premises, or claims title or interest therein at the time of bringing the suit, or that the plaintiff demanded the possession of the premises, unless the defendant shall deny that he was in such possession, or claims title or interest therein, or that demand of possession was made, by special plea, verified by affidavit.

Actual entry.

§ 23. It shall not be necessary for the plaintiff to prove an actual entry under title, nor the actual receipt of any of the profits of the premises demanded; but it shall be sufficient for him to show a right to the possession of such premises at the time of the commencement of the suit, as heir, devisee, purchaser or otherwise.

Lease.

§ 24. It shall not be necessary on the trial for the defendant to confess, nor for the plaintiff to prove lease, entry and ouster, or either of them, except in actions by one or more tenants in common, or joint tenants against their co-tenants; but this section shall not be construed to impair, nor in any way to affect, any of the rules of evidence now

in force in regard to the maintenance and defense of the action.

§ 25. If the plaintiff, or his agent or attorney, will state on oath, upon the trial, that he claims title through a common source with the defendant, it shall be sufficient for him to show title from such common source, unless the defendant, or his agent or attorney, will deny, on oath, that he claims title through such source, or will swear that he claims title through some other source. Common source

§ 26. If the action be brought by one or more tenants in common, or joint tenants against their co-tenants, the plaintiff, in addition to all other evidence which he may be bound to give, shall be required to prove, on the trial of the cause, that the defendant actually ousted such plaintiff, or did some other act amounting to a total denial of his right as such co-tenant. Joint tenants.

§ 27. It shall not be an objection to a recovery in any action of ejectment that any one of several plaintiffs do not prove any interest in the premises claimed, but those entitled shall have judgment, according to their rights, for the whole or such part or portion as he or they might have recovered if he or they had sued in his or their name or names only. One of several plaintiffs.

§ 28. If the action is against several, and the plaintiff is entitled to recover, he shall recover against all who are in joint possession or claim the title, whether they shall have pleaded separately or jointly. Action against several.

§ 29. When the action is against several defendants, if it appear on the trial that any of them occupy distinct parcels in severalty or jointly, the plaintiff shall elect, at the trial, against which he will proceed; which election shall be made before the testimony in the cause shall be deemed to be closed, and the suit shall be dismissed as to the defendants not so proceeded against. When distinct parcels are occupied.

§ 30. In the following cases the verdict shall be rendered as follows: Verdict.

First—If it be shown on the trial that all the plaintiffs have a right to recover the possession of the premises, the verdict in that respect shall be for the plaintiffs generally.

Second—If it appear that one or more of the plaintiffs have a right to the possession of the premises, and that one or more have not such right, the verdict shall specify for which plaintiff the jury find, and as to which plaintiff they find for the defendant.

Third—If the verdict be for any plaintiff, and there be several defendants, the verdict shall be rendered against such of them as were in possession of the premises or as claimed title thereto at the commencement of the action.

Fourth—If the verdict be for all the premises claimed, as specified in the declaration, it shall, in that respect, be for such premises generally.

Fifth—If the verdict be for a part of the premises described in such declaration, the verdict shall particularly specify such part, as the same shall have been proved, with the same certainty hereinbefore required in the description of the premises claimed.

Sixth—If the verdict be for an undivided share or interest in the premises claimed, it shall specify such share or interest; and if for an undivided share in a part of the premises claimed, it shall specify such share, and shall describe such part of the premises as hereinbefore required.

Seventh—The verdict shall also specify the estate which shall have been established on the trial, by the plaintiff in whose favor it shall be rendered, whether such estate be in fee or for his own life or for the life of another, stating such lives; or whether it be for a term of years, and specifying the duration of such term.

Where right
expires.

§ 31. If the right or title of a plaintiff in ejectment expire after the commencement of the suit, but before trial, the verdict shall be returned according to the fact, and judgment shall be entered that he recover his damages by reason of the withholding of the premises, by the defendant, to be assessed, and that as to the premises claimed, the defendant go thereof without day; and such damages may be thereupon assessed by the court or jury trying the case.

Recovery of
possession.

§ 32. In cases where no other provision is made, the judgment in the action, if the plaintiff prevail, shall be, that the plaintiff recover the possession of the premises, according to the verdict of the jury, if there was such verdict; or the finding of the court, if the case is tried without a jury; or, if the judgment be by default, according to the description thereof in the declaration, with costs to be taxed.

May recover
damages.

§ 33. The plaintiff recovering judgment in ejectment in any of the cases in which such action may be maintained, shall also be entitled to recover damages against the defendant for the rents and profits of the premises recovered.

Judgment con-
clusive.

§ 34. Every judgment in the action of ejectment shall be conclusive, as to the title established in such action, upon the party against whom the same is rendered, and against all persons claiming from, through or under such party, by title accruing after the commencement of such action, subject to the exceptions hereinafter named.

Judgment va-
cated.

§ 35. At any time within one year after a judgment, either upon default or verdict in the action of ejectment, the party against whom it is rendered, his heirs or assigns, upon the payment of all costs recovered therein, shall be entitled to have the judgment vacated, and a new trial granted in the cause. If the costs are paid and the motion therefor is filed in vacation, upon notice thereof being given to the adverse party, or his agent or attorney, or the officer having any writ issued upon such judgment, all further proceedings thereon shall be stayed till otherwise ordered by the

court. The court, upon subsequent application, made within one year after the rendering of the second judgment in said cause, if satisfied that justice will thereby be promoted, and the rights of the parties more satisfactorily ascertained and established, may vacate the judgment, and grant another new trial; but no more than two new trials shall be granted to the same party under this section.

§ 36. Nothing contained in the preceding section shall be construed to prevent the court granting a new trial before final judgment, as in other cases. New trial.

§ 37. Exceptions taken to decisions of the circuit courts overruling motions for new trial, and to set aside defaults, under the thirty-fifth and thirty-sixth sections of this act, shall be allowed by the court, and the party excepting may assign for error, in the supreme court, any decision so excepted to, as in other cases. Exceptions.

§ 38. If the defendant, at the time of the entering the judgment by default, is either, first, within the age of twenty-one, if a male, or eighteen, if a female; or, second, insane; or, third, imprisoned on any criminal charge, or in execution upon some conviction of a criminal offense for any term less than for life; or, fourth, a married woman; the time during which such disability shall continue shall not be deemed any portion of the said time for the application for a new trial; but any such person may bring an action for the recovery of such premises after that time, and within two years after such disability shall be removed, but not after that period. Disabilities removed.

§ 39. If the person entitled to commence such action shall die during the continuance of any disability specified in the preceding section, and no determination or judgment be had of or upon the title, right, or action so to him accrued, his heirs may commence such action after the time above limited for that purpose, and within two years after his death. Heirs may commence action.

§ 40. Upon any new trial granted as herein provided, the defendant may show any matters, in bar of a recovery, which he might show to entitle him to the possession of the premises, if he were plaintiff in the action. When new trial is granted.

§ 41. If the plaintiff shall have taken possession of the premises by virtue of any recovery in ejectment, such possession shall not in any way be affected by the vacating of any judgment, as herein provided; and if the defendant recover in any new trial hereby authorized, he shall be entitled to a writ of possession, in the same manner as if he were plaintiff. Plaintiff having taken possession.

§ 42. The plaintiff recovering judgment shall be entitled to a writ of possession, which shall be substantially in the following form: Writ of possession.

THE PEOPLE OF THE STATE OF ILLINOIS, to the Sheriff County:

Whereas A B has lately, in the circuit court, held in and for the county of, by the judgment of the said court, recovered against C D one mesuage, etc., (describing the premises recovered with the like certainty as above provided,) which said premises have been, and are still, unjustly withheld from the said A B by the said C D, whereof he is convicted, as appears to us of record; and forasmuch as it is adjudged in the said court that the said A B have execution upon his said judgment against the said C D, according to the force, form and effect of his said recovery; therefore we command you that, without delay, you deliver to the said A B possession of the premises so recovered, with the appurtenances; and that you certify to, etc., etc., etc., on, etc., in what manner you shall have executed this writ. (If there be costs to be collected, the proper clause may be here inserted, or a separate execution may be issued therefor.)

Witness, etc., etc.

Suggestion of claim.

§ 43. Instead of the action of trespass for *mesne* profits, the plaintiff seeking to recover such damages, shall, within one year after the entering of the judgment, make and file a suggestion of such claim, which shall be entered, with the proceedings thereon, upon the record of such judgment, or be attached thereto, as a continuation of the same.

Form of suggestion.

§ 44. Such suggestion shall be substantially in the same form as is now in use for a declaration in an action of assumpsit for use and occupation and the same rules of pleading thereto shall be observed as upon declarations in personal actions.

Manner of summons.

§ 45. The defendant shall, upon the filing of such suggestion, be summoned in the same manner as in other actions.

Pleading.

§ 46. The defendant may plead the general issue of non-assumpsit, and, under such plea, may give notice of, or may plead specially, any matter in bar of such claim, except such as were or might have been controverted in such action of ejectment; but he may plead or give notice of a recovery by such defendant, or any other person, of the same premises, or of part thereof, subsequent to the verdict in such action of ejectment, in bar or in mitigation of the damages claimed by the plaintiff.

Issues of fact.

§ 47. If any issue of fact be joined on such suggestion, it shall be tried as in other cases; and if such issue be found for the plaintiff, the same jury shall assess his damages to the amount of the *mesne* profits received by the defendant since he entered into possession of the premises, subject to the restrictions hereinafter contained.

Time of entry in possession.

§ 48. On the trial of such issue, the plaintiff shall be required to establish and the defendant may controvert, the time when such defendant entered into the possession of the premises, the time during which he enjoyed the *mesne* profits thereof, and the value of such profits: and the record of the recovery in the action of ejectment shall not be evidence of such time. On such trial, the defendant shall have the same right to set off any improvements made on the premises, to the amount of the plaintiff's claim, as is now or shall hereafter be allowed by law; and in estimating

the plaintiff's damages, the value of the use by the defendant of any improvements made by him shall not be allowed to the plaintiff.

§ 49. If no issue of fact be joined on such suggestion, Writ of inquiry. or if judgment thereon be rendered against the defendant by default, on demurrer or otherwise, a writ of inquiry, to assess the value of such *mesne* profits, shall be issued, of the execution of which the same notice shall be given to the defendant, or his attorney, as in other cases.

§ 50. Upon the execution of such writ, the plaintiff shall Upon execution of writ. be required to establish the same matters hereinbefore required in the case of an issue being joined, and the defendant may in like manner controvert the same, and make any set-off to which he shall be entitled; and the jury shall assess the damages in the same manner. The same proceedings shall be had on such writ, and it shall be returned as in other cases, with the inquisition taken thereon. Upon such inquisition, or upon the verdict of the jury in the case of the issue being joined, the court shall render judgment as in actions of assumpsit for use and occupation, which shall have the like effect in all respects.

§ 51. If the plaintiff in ejectment shall have died after issue joined or judgment therein, his personal representatives may enter a suggestion of such death, of the granting letters testamentary or of administration to them, and may suggest their claim to the *mesne* profits of the premises recovered, in the same manner, and with the like effect, as the deceased; and the same proceedings in all respects shall be had thereon. When plaintiff dies.

§ 52. Every person who may hereafter be evicted from any land for which he can show a plain, clear and connected title, in law or equity, deduced from the record of some public office, without actual notice of an adverse title in like manner derived from record, shall be exempt and free from all and every species of action, writ or prosecution for or on account of any rents or profits, or damages, which shall have been done, accrued or incurred at any time prior to receipt of actual notice of the adverse claim, by which the eviction may be effected, provided such person obtained peaceable possession of the land. Rents, profits and damages.

§ 53. Notice of any adverse claim or title to the land, within the meaning of this chapter, shall have been given by bringing a suit, either in law or equity, for the same, by the one or the other of the parties, and may hereafter be given by bringing a suit, as aforesaid, or by delivering an attested copy of the entry, survey or patent, from which he derives his title or claim, or leaving any such copy with the party or his wife: *Provided, however,* that notice given by the delivery of an attested copy, as aforesaid, shall be void, unless suit is brought within one year thereafter: *Provided,* that in no case shall the proprietor of the better title be Notice of adverse claim.

obliged to pay to the occupying claimant, for improvements made after notice, more than what is equal to the rents and profits aforesaid.

Notice to claimant. § 54. Notice to any occupying claimant shall bind all those claiming from, by or through such occupying claimant, to the extent of such claim.

Commissioners to view premises. § 55. The court who shall pronounce and give judgment of eviction, either in law or equity, shall, at the time, nominate seven fit persons, any five of whom shall have power, and it shall be their duty, to go on the premises, and, after viewing the same, on oath or affirmation, to assess the value of all such lasting and valuable improvements which shall have been made thereon, prior to the receipt of such notice, as aforesaid; and also, to assess all damages the land may have sustained by the commission of any kind of waste, or by deduction of soil by cultivation or otherwise, during the occupancy of the person evicted, and subtract the same from the estimated value of the said improvements; which assessment, signed and sealed by the persons making the same, shall be by them lodged with the clerk of the court wherein they were nominated, before the next ensuing term, or as soon thereafter as may be convenient; and at the next court after such assessment, it shall be entered up as a judgment in favor of the person evicted, and against the successful claimant of the land, by the clerk; upon which judgment execution shall immediately be issued by the clerk, if directed by the person evicted, unless the successful claimant shall give bond and security, to be judged of by the court, to the person evicted, and to be taken at the time of entering up such judgment, conditioned to pay the same within twelve months from the date thereof, with five per cent. interest thereon: *Provided*, the balance shall ultimately be in favor of such occupying claimant, according to the directions and provisions of this chapter; which bond shall have the force of a judgment; and at the expiration of twelve months, aforesaid, an execution shall be issued upon the same, by the clerk of the court in which it was taken, at the request of the party entitled thereto, on oath being made that the same is yet due. Should the balance be in favor of the successful claimant, judgment in like manner shall be entered up in his favor, against the other party, for the amount of the same, upon which execution may be issued, as aforesaid, unless bond and security be given to such claimant, which may be acted upon in the manner before directed, and to declare what shall be the law between adverse claimants under distinct titles of the kinds aforesaid, after notice.

Improvements. § 56. The persons nominated by the court, as aforesaid, when making an assessment, shall carefully distinguish between such improvements as were made on the land prior to notice, and those which were made after notice; and

when making an assessment they shall also take into consideration all such necessary and lasting improvements as shall have been made on the lands, after the receipt of such notice, as aforesaid, and shall ascertain the amount of the value thereof; and they shall also take into consideration and ascertain the amount of the rent and profits arising from the whole of the improvements on the land, from the time that notice of such adverse claim was received by such occupying claimant; and then, after taking the amount of one from the other, the balance shall be added to or subtracted from the amount of the value of the improvements which shall have been made before the receipt of the notice aforesaid, as the nature of the case shall require.

§ 57. The commissioners shall also estimate the value of the lands in dispute, exclusive of any improvements that shall have been made thereon, and make report of the amount of such valuation to the court; and if the value of the improvements shall exceed such estimated value of the land in dispute, in that case it shall and may be lawful for the proprietor of the better title to transfer, or convey, as the nature of the case may require, his better title to the occupying claimant; and thereupon, judgment shall be entered up in his favor, against the occupying claimant, for such estimated value, upon which an execution may issue, unless the occupying claimant shall give bond and security, to be approved by the court, to pay the amount of such judgment within one year after the person transferring or conveying, as aforesaid, with interest from the date; which bond shall have the force of a judgment; and if not paid at the expiration of the year, an execution may issue in the manner before directed by this chapter: *Provided*, that the proprietor of the better title shall, in every such case, at the time of entering up judgment in his favor, give bond and security, to be approved by the court, to the occupying claimant, to refund the amount of such judgment, in case the land so transferred or conveyed shall ever thereafter be taken from him by any other prior or better claim.

Commissioners
to estimate
value.

§ 58. The persons nominated by the court, by virtue of this act, shall be called commissioners, and shall, respectively, take an oath or affirmation to do equal right to the parties in controversy; and shall also have power and authority to call witnesses, and administer the necessary oaths, and to examine them for the ascertainment of any fact material to the inquiry and assessment by this act directed.

Persons nomi-
nated—oath.

§ 59. The said commissioners, in making every estimate of value, by virtue of this act, shall state, separately, the result of each; and the court shall have power to make such allowance to the said commissioners, in any case, as shall seem just—which allowance shall be taxed and collected as costs: *Provided*, that this act shall not be extended to affect or impair the obligation of contracts, or to authorize

Allowance to
commissioners.

the occupying claimant to be twice paid for his improvements; and in all cases where the occupying claimant is paid for his improvements by any other person than the proprietor of the better title, such person shall have the same redress as is allowed to the occupying claimant.

Value of improvements and damages.

§ 60. The court shall have the same power to proceed by appointing commissioners to assess the value of improvements, and the damages by the commission of any kind of waste, by reduction of soil by cultivation or otherwise, during the occupancy of the person evicted in case of arbitration, or by consent of the parties, on motion, without suit.

Precept to stay waste.

§ 61. Nothing herein contained shall be construed so as to prevent any court from issuing a precept to stay waste, and ruling the party to give bond and security in such manner as such court may think right.

Acts repealed.

§ 62. The following acts and parts of acts are hereby repealed: Chapter thirty-six of the Revised Statutes of 1845, entitled "Ejectments;" an act entitled "An act to amend chapter thirty-six, of the Revised Statutes, entitled 'Ejectments,' approved February 10, 1849;" an act entitled "An act to amend chapter thirty-six, of the Revised Statutes of 1845, entitled 'Ejectments,' approved February 15, 1855;" an act entitled "An act to amend chapter thirty-six, of the Revised Statutes of 1845, entitled 'Ejectments,' approved March 26, 1869;" section five, of chapter sixty, of the Revised Statutes of 1845, entitled "Landlord and tenant," and all other acts and parts of acts inconsistent with the provisions of this act. But the repeal of said acts and parts of acts shall not affect any suits that may be pending, or any rights that may have accrued, at the time this act shall take effect.

APPROVED March 20, 1872.

ELECTIONS.

In force July 1, 1872, AN ACT in regard to elections, and to provide for filling vacancies in elective offices.

ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF UNITED STATES.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be elected, by general ticket, on the Tuesday next after the first Monday in November preceding the expira-

Electors of president and vice-president.

tion of the term of office of each president of the United States, as many electors of president and vice-president of the United States as this state may be entitled to elect; which election shall be conducted and returns thereof made as hereinafter provided: *Provided*, that if congress should hereafter fix a different day for such election, then the election for electors shall be held on such day as shall be named by act of congress.

§ 2. The county clerks of the several counties shall, within eight days next after holding an election for electors of president and vice-president of the United States, as is provided for in this act, make three copies of the abstract of votes for electors, and transmit by mail one of said copies to the governor, another to the office of the secretary of state, and retain the third in his office, to be sent for by the governor in case both the others should be mislaid. Within twenty days after the holding of such election, and sooner if all the returns are received by either the governor or by the secretary of state, the secretary of state, auditor of public accounts and treasurer, or any two of them, shall, in the presence of the governor, proceed to open and canvass said election returns, and to declare the persons having the highest number of votes elected; but should any two or more persons be returned with an equal and the highest vote, the said secretary of state shall cause a notice of the same to be published, which notice shall name some day and place, not less than five days from the time of the publication of such notice, upon which the said secretary, auditor and treasurer will decide by lot which of said persons so equal and highest is elected. And upon the day and at the place so appointed in said notice, the said secretary, auditor and treasurer, or any two of them, shall, in the presence of the governor, decide by lot which of the persons so equal and highest shall be elected.

Abstract of
votes—returns.

§ 3. The governor shall cause the result of the said election to be published, and shall transmit by mail, to the persons elected, certificates of their election.

Certificates of
election.

§ 4. The electors chosen, as aforesaid, shall meet at the seat of government of this state, at the time appointed by the laws of the United States, and give their votes in, in the manner therein provided, and perform such duties as are or may be required by law. Each elector shall receive for every twenty miles necessary travel in going to the seat of government to give his vote, and returning to his residence, to be computed by the most usual route, the sum of three dollars, to be paid on the warrant of the auditor, out of any money in the treasury not otherwise appropriated.

Meeting of
electors.

§ 5. In case any person declared duly elected an elector of president and vice-president of the United States shall fail to attend at the state house, at the seat of government of this state, at or before the hour of twelve o'clock, at noon,

Failure of elec-
tors to attend.

of the day on which his vote is required to be given, it shall be the duty of the elector or electors of president and vice-president, attending at that time and place, to appoint a person or persons to fill such vacancy: *Provided*, that should the person or persons chosen by the people, as aforesaid, arrive at the place aforesaid before the votes for president and vice-president are actually given, the person or persons appointed to fill such vacancy shall not act as elector of president and vice-president.

TIME OF HOLDING ELECTIONS FOR CERTAIN OFFICERS.

Representatives
in congress.

§ 6. Representatives in congress shall be elected on Tuesday next after the first Monday in November, in the year of our Lord eighteen hundred and seventy-two, and every two years thereafter; but if congress shall fix a different day, then such election shall be held on the day so fixed by congress.

State officers.

§ 7. The governor, lieutenant-governor, secretary of state, auditor of public accounts and attorney-general, shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every four years thereafter.

Superintendent
of public in-
struction.

§ 8. The superintendent of public instruction shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-four, and every four years thereafter.

State treasurer.

§ 9. The state treasurer shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every two years thereafter.

Judges of the
supreme court.

§ 10. The judges of the supreme court shall hereafter be elected as follows, to-wit: In the first, second, third, sixth and seventh districts on the first Monday of June, in the year of our Lord eighteen hundred and seventy-nine, and every nine years thereafter. In the fourth district, on the first Monday of June, in the year of our Lord eighteen hundred and seventy-six, and every nine years thereafter. In the fifth district, on the first Monday of June, in the year of our Lord eighteen hundred and seventy-three, and every nine years thereafter.

Clerk of the su-
preme court.

§ 11. A clerk of the supreme court in each grand division shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every six years thereafter.

Judges of the
circuit courts.

§ 12. The judges of the circuit court shall be elected on the first Monday of June, in the year of our Lord eighteen hundred and seventy-three, and every six years thereafter.

Judge of supe-
rior court of
Cook county.

§ 13. The judges of the superior court of Cook county shall be elected as follows: One on Tuesday next after the first Monday of November, in the year of our Lord eighteen

hundred and seventy-four, and every six years thereafter. One on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-six, and every six years thereafter; and one on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-eight, and every six years thereafter.

§ 14. State senators shall be elected as follows, to-wit: State senators. Those in districts bearing even numbers shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every four years thereafter. Those in districts bearing odd numbers shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, for the term of two years. And after that they shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-four, and every four years thereafter.

§ 15. Members of the house of representatives shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every two years thereafter. Representatives

§ 16. The county judges and county clerks shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-three, and every four years thereafter. County judges and clerks.

§ 17. The sheriffs and coroners shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every two years thereafter. Sheriffs and coroners.

§ 18. The clerks of the circuit court shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every four years thereafter. Circuit clerks.

§ 19. The clerk of the superior court of Cook county shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-five, and every four years thereafter. Clerk of Cook county superior court.

§ 20. The clerk of the criminal court of Cook county shall be held on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-three, and every four years thereafter. Clerk criminal court of Cook county.

§ 21. The county treasurers shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-three, and every two years thereafter. County treasurers.

§ 22. The county surveyors shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-five, and every four years thereafter. County surveyors.

Superintend-
ents of schools.

§ 23. The county superintendents of schools shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-three, and every four years thereafter.

State's attor-
neys.

§ 24. A state's attorney shall be elected in each county on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every four years thereafter.

State board of
equalization.

§ 25. There shall be elected in each congressional district, on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every four years thereafter, one elector, to serve as a member of the state board of equalization.

Recorder of
deeds.

§ 26. In counties having a population of sixty thousand or more, there shall be elected a recorder of deeds, on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every four years thereafter.

County assessor

§ 27. In counties not under township organization, there shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-three, and every two years thereafter, a county assessor, who shall hold his office for two years, and until his successor is elected and qualified.

County com-
missioners.

§ 28. In counties not under township organization there shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-three, three officers, who shall be styled "The Board of County Commissioners," one of whom shall hold his office for one year, one for two years, and one for three years, to be determined by lot; and every year thereafter, one such officer shall be elected in each of said counties, for the term of three years.

ELECTION PRECINCTS.

To remain un-
til changed.

§ 29. The election precincts established in counties not under township organization, before the taking effect of this act, shall remain until changed by the county board.

Boundaries.

§ 30. The county board of such counties may, from time to time, change the boundaries of election precincts, and may erect and establish one or more new election precincts, and may designate and change the places of holding elections. All general and special elections shall be held at the places so designated.

Towns to con-
stitute.

§ 31. In counties under township organization, each town shall constitute an election precinct, but the county board may divide any town into as many election districts as the convenience of the people may require, defining the same by distinct boundaries and numbers, and may, from time to

time, designate the places at which elections shall be held. All general and special elections shall be held at the places so designated.

JUDGES AND CLERKS OF ELECTION.

§ 32. In counties not under township organization, the county board shall, annually, at its last regular session preceding the general election, appoint three capable and discreet electors to act as judges of election in each election precinct, and may at any time fill vacancies. County board to appoint.

§ 33. In counties under township organization, where the county board shall have divided a town into several election districts, it shall, at its last regular session preceding the general election, appoint three capable and discreet electors to act as judges of election in each election district in such town, and may at any time fill vacancies: *Provided*, that the supervisor, assessor and collector shall be designated as judges of election in the districts in which they respectively reside. When appointed.

§ 34. Immediately on the appointment of such judges, the county clerk shall make out and deliver to the sheriff of the county a notice thereof, directed to each person so appointed, and the sheriff shall, within twenty days after the receipt of such notices, deliver the same to the several judges so appointed. Notice of appointment.

§ 35. The judges so appointed shall be and continue judges of all general and special elections held within their respective precincts or districts, until other judges shall be appointed in like manner. To act until successors are appointed.

§ 36. If, at the time for the opening of any election, any person appointed or constituted a judge of election shall not be present, or will not act or take the oath to act in such capacity, the judge or judges present may appoint some other qualified elector to act in his place. If there be no judge of election present, or he refuses to act, such electors of the precinct or district as may then be present at the place of election, may fill the places of such judges by election from their number. The judges so appointed shall have the same power and be subject to the same penalties as other judges of election. Failure or refusal to act.

§ 37. The judges of election shall choose two persons having similar qualifications with themselves to act as clerks of election, who may continue to act as such during the pleasure of the judges. Clerks.

OATH OF JUDGES AND CLERKS OF ELECTION.

§ 38. Previous to any vote being taken, the judges and clerks of the election shall severally take an oath or affirmation, in the following form, to-wit: Judges and clerks to take oath.

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of judge of election (or clerk, as the case may be,) according to the best of my ability.

Judges to administer oath.

§ 39. In case there shall be no judge or justice of the peace present at the opening of the election, or in case such judge or justice shall be appointed a judge or clerk of election, it shall be lawful for the judges of the election to administer the oath or affirmation to each other, and to the clerks of the election; and the person administering such oath or affirmation, shall cause an entry thereof to be made and subscribed by him, and prefixed to each poll book.

BALLOT BOXES AND POLL BOOKS.

Ballot boxes.

§ 40. The county board shall provide a sufficient number of ballot boxes, with secure locks and keys, at the expense of the county, for the several precincts and districts. There shall be an opening in the lid of each box not larger than is sufficient to admit a single closed ballot to be inserted therein at one time, through which each ballot voted shall be put into the box.

To be kept by judges.

§ 41. The ballot boxes shall be delivered to and kept by the judges of election, and by them kept and delivered over to their successors.

Poll books and blanks.

§ 42. The county clerk shall provide, at the expense of the county, proper blanks, poll books and other necessary election blanks for each precinct and district in his county, and cause a suitable number thereof to be delivered to the judges of election, at least ten days before any election is to be held.

CONSTABLES APPOINTED TO ATTEND ELECTIONS—ORDER.

County board to appoint.

§ 43. The county board may appoint one or more constables to attend each place of holding elections, and preserve order during the election; if no constable is appointed by the county board to attend any place of holding election, or if others shall be necessary to preserve order, the judges of election may appoint one or more constables for that purpose.

How paid.

§ 44. The judges of election may appoint any suitable person to act as a special constable during the election. Constables serving at such election shall be paid out of the county treasury, not exceeding two dollars per day for each day's service.

To suppress disorder.

§ 45. Any constable attending such election may call to his aid a sufficient number of citizens to arrest any disorderly person or suppress any riot or disorder during the election. Whoever conducts himself in a riotous or disorderly manner at any election, and persists in such conduct after being warned to desist, may be arrested without warrant.

NOTICE OF ELECTION.

§ 46. At least thirty days previous to any general election, and at least twenty days previous to any special election, except in cases otherwise provided for, the county clerk, in counties not under township organization, shall make out and deliver to the sheriff of his county, or in counties under township organization to the several supervisors of his county, three notices thereof for each precinct or district in which the election in such county is to be held. The notice may be substantially as follows:

Notice of election—duties of clerk.

Notice is hereby given, that on (give the date), at (give the place of holding the election and the name of the precinct or district), in the county of (name of county), an election will be held for (give the title of the several offices to be filled), which election will be opened at eight o'clock in the morning and continue open until seven o'clock in the afternoon of that day.

Dated at, this ... day of, in the year of our Lord one thousand eight hundred and

A B, *County Clerk.*

§ 47. The said sheriff or supervisor to whom the notices are delivered, shall post up, in three of the most public places in each precinct or district, the three notices therefor at least fifteen days before the time of holding a general election, and at least eight days before the time of holding a special election.

Sheriff to post notices.

CONDUCTING ELECTIONS—RETURNS.

§ 48. The polls shall be opened at the hour of eight o'clock in the morning and continue open until seven o'clock in the afternoon of the same day, at which time the polls shall be closed; but if the judges shall not attend at the hour of eight o'clock in the morning, or if it shall be necessary for the electors present to appoint judges to conduct the election, as hereinbefore prescribed, the polls may, in that case, be opened at any hour before the time for closing the same shall arrive, as the case may require.

Opening of the polls.

§ 49. Upon opening the polls one of the clerks or judges of election shall make proclamation of the same, and at least thirty minutes before the closing of the polls proclamation shall be made in like manner that the polls will be closed in half an hour.

Proclamation.

§ 50. Before any ballot shall be deposited in the ballot box, the ballot box shall be publicly opened and exhibited, and the judges and clerks shall see that no ballot is in such box; after which the box shall be locked and the key delivered to one of the judges, and shall not be again opened until the close of the polls.

Ballot box to be exhibited.

§ 51. Each clerk of the election shall keep a poll list, which shall contain a column headed "number," and another headed "names of voters." The name of each elector voting shall be entered upon each of the poll books by the

Poll list.

clerks, in regular succession, under the proper headings, and the number of such voter placed opposite his name in the column headed "number."

Ballots.

§ 52. The manner of voting shall be by ballot. The ballot shall be printed or written, or partly printed and partly written, upon plain paper, with the name of each candidate voted for, and the title of the offices. When the ballot is printed, the same shall be printed upon plain paper, in plain type, in straight lines, with a blank space below each name, of a width not less than equal to the width of the line in which the name is printed.

All candidates
to be on same
ballot.

§ 53. The names of all candidates for which the elector intends to vote shall be written or printed upon the same ballot, and the office to which he desires each to be elected shall be designated upon the ballot.

Manner of vo-
ting for repre-
sentatives.

§ 54. In voting for representatives to the general assembly, if the voter intends to give more than one vote to any candidate, he shall express his intention on the face of the ballot, in words or figures, which may be done in either of the following forms: A B, C D, E F, which shall be held to mean one vote for each candidate named; or A B $1\frac{1}{2}$ votes, C D $1\frac{1}{2}$ votes; or A B 2 votes, C D 1 vote; or A B 3 votes.

Number to be
indorsed on
ballot.

§ 55. The ballot shall be folded by the voter and delivered to one of the judges of election; and if the judges be satisfied that the person offering the vote is a legal voter, the clerks of election shall enter the name of the voter, and his number, under the proper heading in the poll books, and the judges shall indorse on the back of the ticket offered the number corresponding with the number of the voter on the poll books, and shall immediately put the ticket into the ballot box.

Adjournment.

§ 56. After the opening of the polls no adjournment shall be had, nor shall any recess be taken, until all the votes cast at such election shall have been counted and the result publicly announced.

Canvass of
votes.

§ 57. Immediately upon closing the polls, the judges shall proceed to canvass the votes polled. They shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of names entered on each of the poll lists, they shall reject the ballots, if any be found upon which no number is marked; if the number of ballots still exceeds the number of names entered on each of the poll lists, they shall be replaced in the box and the box closed and well shaken and again opened, and one of the judges shall publicly draw out and destroy so many ballots, unopened, as shall be equal to such excess; and the ballots or poll lists agreeing, or being made to agree, the board shall proceed to count, and estimate and publish the votes; and when the judges of election shall open and read the tickets, each clerk shall carefully mark down upon the tally-list the votes each candidate receives, in a separate

column prepared for that purpose, with the name of such candidate at the head of such column, and the office, designated by the votes, such candidate shall fill.

§ 58. If more persons are designated for any office than there are candidates to be elected, or if more votes or parts of votes are designated on any ballot for representatives than the voter is entitled to cast, such part of the ticket shall not be counted for either of the candidates. Irregular ballots.

§ 59. All the ballots counted by the judges of election shall, after being read, be strung upon a strong thread or twine, in the order in which they have been read, and shall then be carefully enveloped and sealed up by the judges, who shall direct the same to the officer to whom by law they are required to return the poll books, and shall be delivered, together with the poll books, to such officer, who shall carefully preserve said ballots for six months, and at the expiration of that time shall destroy them by burning, without the package being previously opened: *Provided*, if any contest of election shall be pending at such time in which such ballots may be required as evidence, the same shall not be destroyed till such contest is finally determined. Ballots to be preserved.

§ 60. In all cases of contested election, the parties contesting the same shall have the right to have the said package of ballots opened, and said ballots referred to by witnesses for the purpose of such contest. But said ballots shall only be so examined and referred to in the presence of the officer having the custody thereof. Contested elections.

§ 61. When the votes shall have been examined and counted, the clerks shall set down in their poll books the name of every person voted for, written at full length, the office for which such person received such votes, and the number he did receive, the number being expressed in words at full length; such entry to be made, as nearly as circumstances will admit, in the following form, to-wit: Certificate of election.

At an election held at, in the county of, and state of Illinois, on the day of, in the year of our Lord one thousand eight hundred and, the following named persons received the number of votes annexed to their respective names, for the following described offices, to-wit: (name of candidate) had (number of votes) for (title of office), (and in the same manner for any other persons voted for.) Certified by us:

A B, }
C D, } *Judges of election.*
E F, }

Attest: G H, }
I J, } *Clerks of election.*

§ 62. Such certificate, together with one of the lists of voters and one of the tally papers, having been carefully enveloped and sealed up, shall be put into the hands of one of the judges or board of election, who shall, within four days thereafter, deliver the same to the county clerk or his deputy, at the office of said county clerk; and when received, such clerk or deputy shall proceed to open, canvass Returns to be delivered to county clerk.

and publish the return from each precinct or election district, as provided by law.

Per diem of judges.

§ 63. The judges and clerks of election shall be allowed the sum of three dollars each per day for their services in attending each election, and the judge who carries the said returns to the county clerk shall also receive five cents per mile, each way.

Challengers.

§ 64. The judges of election shall allow at least one, and not more than two legal voters of each party to the contest, to be chosen by the parties respectively, into the room where the election is held, to act as challengers of voters at such election; and such challengers may remain with the board of election until the votes are all canvassed and the result declared.

QUALIFICATION OF VOTERS.

Residence.

§ 65. Every person having resided in this state one year, in the county ninety days, and in the election district thirty days next preceding any election therein, who was an elector in this state on the first day of April, in the year of our Lord one thousand eight hundred and forty-eight, or obtained a certificate of naturalization before any court of record in this state prior to the first day of January, in the year of our Lord one thousand eight hundred and seventy, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

Permanent abode.

§ 66. A permanent abode is necessary to constitute a residence within the meaning of the preceding section.

Voter to make affidavit.

§ 67. Whenever, at any general or special election, in any precinct, district, city, village, town or ward, any person offering to vote is not personally known to the judges of election to have the qualifications mentioned in the two preceding sections, if his vote is challenged by a legal voter at such election, he shall make and subscribe an affidavit, in the following form, which shall be retained by the judges of election, and returned by them with the poll books:

STATE OF ILLINOIS, }
County of Cook. } ss

Form of oath.

I,, do solemnly swear (or affirm) that I am a citizen of the United States, (or, "that I was an elector on the first day of April, A. D. 1848," or, "that I obtained a certificate of naturalization before a court of record in this state prior to the first day of January, A. D. 1870," as the case may be,) that I have resided in this state one year, in this county ninety days, and in this election district thirty days next preceding this election; that I now reside at (here give the particular house or place of residence, and, if in a town or city, the street and number,) in this election district; that I am twenty-one years of age, and have not voted at this election: so help me God, (or, "this I do solemnly and sincerely affirm," as the case may be.)

.....
Subscribed and sworn to before me, this day of, A. D. 18..

§ 68. In addition to such an affidavit, the person so challenged shall produce a witness, personally known to the judges of election, and resident in the precinct or district, or who shall be proved by some legal voter of such precinct or district, known to the judges, to be such, who shall take the oath following, viz:

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident herein for one year last passed, and am well acquainted with the person whose vote is now offered; that he is an actual and *bona fide* resident of this election precinct (or district), and has resided herein thirty days, and, as I verily believe, in this county ninety days, and in this state one year next preceding this election.

§ 69. The oath, in each case, may be administered by either of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths.

§ 70. No person who has been legally convicted of any crime, the punishment of which is confinement in penitentiary, shall be permitted to vote at any election, unless he shall be restored to the right to vote by pardon.

CANVASSING VOTES—CERTIFICATE OF ELECTION.

§ 71. Within seven days after the close of the election, the county clerks of the respective counties, with the assistance of two justices of the peace of the county, shall open the returns and make abstracts of the votes in the following manner, as the case may require: Of votes for governor and lieutenant governor, on one sheet; of votes for other state officers, on another sheet; of votes for presidential electors, on another sheet; of votes for representatives to congress, on another sheet; of votes for judges of the supreme court, on another sheet; of votes for clerks of the supreme court, on another sheet; of votes for judges of the circuit court, on another sheet; of votes for senators and representatives to the general assembly, on another sheet; of votes for members of the state board of equalization, on another sheet; or votes for county officers, on another sheet. The foregoing abstracts shall be preserved by the county clerk in his office.

§ 72. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes, for the several county offices, and deliver such certificate to the person entitled to it, on his application.

§ 73. When two or more persons receive an equal and the highest number of votes for an office to be filled by the county alone, the county clerk shall issue a notice to such persons of such tie vote, and require them to appear at his office, on a day named in the notice, within ten days from the day of election, and determine by lot which of them is to be declared elected.

Decided by lot.

§ 74. On the day appointed, the clerk and other canvassers, or, in case of their absence, the state's attorney or sheriff shall attend, and the parties interested shall appear and determine by lot which of them is to be declared elected; and the clerk shall issue his certificate of election to the person thus declared elected.

Compensation
of judges and
clerks.

§ 75. It shall be the duty of the county clerk, on the receipt of the election returns of any general or special election, to make out his certificate, stating the compensation to which the judges and clerks of each election may be entitled for their services, and lay the same before the county board at its next session; and said board shall order the compensation aforesaid to be paid out of the county treasury.

Abstracts to be
forwarded to
secretary state.

§ 76. Immediately after the completion of the abstracts of votes, the county clerk shall envelope and seal up a copy of the abstracts of votes for governor, lieutenant governor, secretary of state, auditor of public accounts, treasurer, attorney general, and superintendent of public instruction, and indorse upon it in substance, "Abstracts of votes for state officers from . . . county," and address it "The speaker of the house of representatives." The county clerk shall, at the same time, envelope and seal up a copy of each of the abstracts of votes for other officers, and indorse the same so as to show the contents of the package, and direct the same to the secretary of state. The several packages shall then be placed in one envelope and addressed to the secretary of state.

How transmit-
ted.

§ 77. Such abstracts shall be transmitted to the secretary of state by mail, or, in case it shall be necessary, by special messenger.

Canvass of votes

§ 78. The secretary of state, auditor, treasurer and attorney general, or any two of them, in the presence of the governor, shall proceed, within twenty days after the election, and sooner, if all the returns are received, to canvass the votes given for representatives to congress, judges of the supreme court, clerks of the supreme court, judges of the circuit court, senators, representatives to the general assembly, and members of the state board of equalization, respectively; and the persons having the highest number of votes for the respective offices shall be declared duly elected; but if it appears that more than the number of persons to be elected have the highest and an equal number of votes for the same office, the secretary of state, in the presence of the other officers and the governor, shall decide by lot which of such persons shall be elected; and to each person duly elected, the governor shall give a certificate of election or commission, as the case may require, and shall cause proclamation to be made of the result of the canvass.

Commission.

OFFENSES AND PENALTIES.

§ 79. No spirituous, malt, vinous or intoxicating liquor shall be sold or given away at retail, nor shall any saloon or bar room, or place where such liquor is so sold or given away, be open upon any general or special election day within one mile of the place of holding an election. Whoever violates the provisions of this section shall be fined in a sum not less than twenty-five nor more than one hundred dollars. It shall be the duty of the sheriff, coroner, constables and other officers of the county, and magistrates, to see that the provisions of this section are enforced.

§ 80. If any person whose vote is challenged, or any witness sworn under the provisions of this act, shall knowingly, willfully and corruptly, swear falsely, he shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly. False swearing.

§ 81. Whoever unlawfully votes more than once at any election, or offers to vote after having once voted at such election; or knowing that he is not a qualified voter at an election, willfully votes at such election, shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court. Illegal voting.

§ 82. Whoever willfully aids or abets any one not legally qualified to vote at an election, in voting or attempting to vote at such election; or, Other irregularities.

2d. Furnishes an elector with a ticket or ballot informing him that it contains a name different from that which appears thereon, with intent to induce him to vote contrary to his inclinations; or,

3d. Fraudulently or deceitfully changes a ballot of an elector, with intent to deprive such elector of voting for such person as he intended; or,

4th. Endeavors to procure the vote of any elector, or the influence of any person over an elector at any election, for himself or for or against any person, by means of a promise of a favor, or by means of violence or threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of a debt, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him or his means; or,

5th. By offering a reward or bribe, or by treating to or giving spirituous, malt, or other liquor, either directly or indirectly, influences or attempts to influence any voter in giving or withholding his vote at an election; or,

6th. By bribery, or by corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at an election; or,

7th. Gives or offers to give any valuable thing or bribe to any judge or clerk of election, as a consideration for some act to be done or omitted to be done, contrary to his official duty, in relation to such election, shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Penalty.

Bribes.

§ 83. Whoever receives, requests or demands any bribe or reward forbidden by this act to be given, shall be liable to the same penalties as are prescribed in this act for giving such bribe or reward.

Disorderly.

§ 84. Whoever is disorderly at any election shall forfeit a sum not exceeding twenty-five dollars.

Betting on elections.

§ 85. Whoever bets or wagers any money, property or other valuable thing, upon the result of an election which may be held under the constitution or laws of this state, or bets or wagers money, property, or other valuable thing, upon the number of votes which may be given to any person at an election, or upon who will receive the greatest number of votes at an election; or agrees to pay any other person any money, property, or other valuable thing, in the event that an election shall result in one way, or in the event that any person shall or shall not be elected, or shall receive a greater number of votes than others, upon conviction thereof he shall be fined in a sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

When vote is challenged.

§ 86. If any judge of any election shall permit a person to vote whose vote is challenged, without the proof required in this act; or,

2d. Shall knowingly and willfully permit a person to testify as a witness contrary to the provisions of this act; or,

3d. Shall knowingly permit a person to vote who is not qualified according to law; or,

4th. Shall knowingly receive and count more than one vote from the same person at the same election for the same office, except as allowed by law; or,

5th. Shall refuse to receive the vote of a qualified elector at such election, who will make the affidavit and proof required by this act; or,

6th. Shall be guilty of any fraud, corruption, partiality or manifest misbehavior; or,

7th. Shall open or unfold any ballot when the same is presented to be deposited in the ballot box; or,

8th. Shall willfully neglect to perform any of the duties required of him by this act, shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Comparison of ballots.

§ 87. If any judge or clerk of election shall willfully or corruptly ascertain, by comparison of the poll book with

the ballot, or shall allow any other person to ascertain by such comparison or otherwise, or shall willfully publish or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

§ 88. If any person shall willfully or corruptly ascertain or publish, or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court. Publishing
votes.

§ 89. If any clerk of an election shall willfully neglect to perform any duty required of him as clerk of election, or shall be guilty of fraud, corruption or misbehavior as such clerk, he shall, on conviction, be fined in a sum not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court. Neglect of
clerk to perform
duty.

§ 90. If any judge, clerk or messenger, after having been deputed by the judges of election to carry the poll books, tally list and votes of such election to the place where, by law, they are required to be canvassed, willfully or negligently fails to deliver such poll books, tally list or ballots within the time prescribed by law, with the seal unbroken, he shall, upon conviction, be fined in a sum not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court. Failure to de-
liver poll books.

§ 91. If the county clerk willfully neglects or refuses to perform any duty required of him by this act, he shall, upon conviction, be fined in a sum not exceeding five hundred dollars, and shall be liable to the person injured by reason of such neglect or refusal, in an amount not exceeding five hundred dollars, to be recovered in an action on the case. County clerk—
neglect of duty.

§ 92. If any county clerk or justice of the peace shall be guilty of any fraud, corruption or misbehavior, in canvassing the votes or making any abstract of votes, or issuing any certificate of election, he shall, on conviction, be fined in any sum not exceeding five hundred dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court. Fraud in can-
vassing votes.

§ 93. Whoever shall willfully and wrongfully take or carry away from the place where it has been deposited for safe-keeping, or deface, mutilate or change any poll book, ballot or tally list, or any name or figure therein, shall, on conviction, be fined in a sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court. Mutilation of
poll books.

CONTESTING ELECTIONS.

- State officers.** § 94. The legislature, in joint meeting, shall hear and determine cases of contested elections of governor and lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, and attorney-general. The meeting of the two houses, to decide upon such elections, shall be held in the hall of the house of representatives, and the speaker of the house shall preside.
- Senators and representatives.** § 95. The senate and house of representatives shall severally hear and determine contests of the election of their respective members.
- Judges of the supreme court, etc.** § 96. The supreme court shall hear and determine contests of the election of judges of the supreme court, clerks of the supreme court, judges of the circuit court, judges of the superior court of Cook county, members of the state board of equalization; but no judge of the supreme court shall sit upon the hearing of any case in which he is a party.
- County judges and county seats.** § 97. The circuit courts of the respective counties shall hear and determine contests of the election of the judges of the county court of their counties, and in regard to the removal of county seats, and in regard to any other subject which may by law be submitted to the vote of the people of the county.
- Other county and town officers** § 98. The county court shall hear and determine contests of election of all other county, township and precinct officers, and all other officers for the contesting of whose election no provision is made.
- Manner of contesting election of state officers.** § 99. When any elector shall desire to contest the election of governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, or attorney-general, he shall, within ten days after the result of the election shall have been determined, present a petition to the general assembly, setting forth the points on which he will contest such election, and praying for leave to produce his proof.
- Committee to take testimony.** § 100. The general assembly shall appoint a joint committee to take the testimony on the part of the petitioner, and the person whose place is contested.
- Powers of committee.** § 101. The committee so appointed shall have power to send for witnesses, and compel the attendance of witnesses and the production of papers, issue commissions under the hand of its chairman, to any officer authorized to take depositions in other cases, to take the deposition of witnesses upon the points set forth in the petition, at such time and place as the commission shall direct.
- Notice.** § 102. Reasonable notice shall be given by the party in whose favor the deposition is to be taken, to the opposite party, of the time and place of taking the same.

§ 103. No testimony shall be taken except upon the points set forth in the petition. Testimony.

§ 104. The committee shall report the facts to the house, and a day shall be fixed by a joint resolution for the meeting of the two houses to decide upon the same, in which decision the yeas and nays shall be taken and entered upon the journal. Report of committee.

§ 105. The election of any member declared duly elected to a seat in the senate or house of representatives of the general assembly, may be contested by any qualified voter of the county or district to be represented by such senator or representative. Members of the legislature.

§ 106. The contestant shall, within thirty days after the result of the election shall have been determined, serve on the person whose election he will contest, a notice of his intention to contest such election, expressing the points on which the same will be contested; and shall, also, on or before the next session of the general assembly, deliver a copy of such notice to the secretary of state. In case the person whose election is contested is absent, or cannot be found, service may be had by leaving a copy of such notice at his usual place of residence. Notice of contest.

§ 107. Whenever a notice shall have been given of intention to contest an election, as provided in the preceding section, either party may proceed to take testimony of any witness before any judge, justice of the peace, clerk of a court, master in chancery, or notary public, on giving to the adverse party or his attorney, ten days' notice of the time and place of taking the same, and one day in addition thereto (Sunday inclusive) for every fifty miles' travel from the place of residence of such party to the place where such deposition is to be taken. If the party entitled to notice resides in the county where the deposition is to be taken, five days' notice shall be sufficient. Testimony.

§ 108. The officer before whom depositions are taken shall have power to compel the production of papers, and the attendance of witnesses; and the same proceedings may be had to compel the attendance of witnesses, as are provided in the cases of taking depositions to be used in courts of law and equity. Papers and witnesses.

§ 109. A copy of the notice to take depositions, with proof of the service thereof, with the deposition, shall be sealed up and transmitted by mail, or otherwise, to the secretary of state, with an indorsement thereon, showing the names of the contesting parties, the office contested, and the nature of the papers. Notice to take depositions.

§ 110. The secretary of state shall deliver the copy of the notice deposited with him by the contestant, and the depositions, unopened, to the presiding officer of the branch of the general assembly to which the contest relates, on or before the second day of its session next after the receipt Duty of the secretary state.

of the same; and the presiding officer shall immediately give notice to his house that such papers are in his possession.

Commissions
of the general
assembly.

§ 111. Nothing herein contained shall be construed to abridge the right of either branch of the general assembly to grant commissions to take depositions, or to send for and examine any witnesses it may desire to hear on such trial.

Who may con-
test.

§ 112. The election of any person declared elected to any office other than governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, attorney-general, senator or representative, may be contested by any elector of the state, judicial division, district, county, town or precinct in and for which the person is declared elected.

Statement of
points of con-
test.

§ 113. The person desiring to contest such election shall, within thirty days after the person whose election is contested is declared elected, file with the clerk of the proper court a statement, in writing, setting forth the points on which he will contest the election, which statement shall be verified by affidavit in the same manner as bills in chancery may be verified.

Summons.

§ 114. Upon the filing of such statement, summons shall issue against the person whose office is contested, and he may be served with process, or notified to appear, in the same manner as is provided in cases in chancery.

Evidence.

§ 115. Evidence may be taken in the same manner, and upon like notice, as in cases in chancery.

Trial.

§ 116. The case shall be tried in like manner as cases in chancery.

Contest of elec-
tion on other
questions.

§ 117. Any five electors of the county may contest an election upon any subject which may by law be submitted to a vote of the people of the county, upon filing in the circuit court, within thirty days after the result of the election shall have been determined, a written statement in like form as in other cases of contested elections in the circuit court. The county shall be made defendant, and process shall be served as in suits against the county; and like proceedings shall be had as in other cases of contested elections before such court.

Defendants in
contest.

§ 118. In case the county board shall fail or refuse properly to defend such contest, the court shall allow any one or more electors of the county to appear and defend, in which case the electors so defending shall be liable for the costs in case the judgment of the court shall be in favor of the contestant.

Judgment of
the court.

§ 119. The judgment of the court, in cases of contested election, shall confirm or annul the election according to the right of the matter; or, in case the contest is in relation to the election of some person to an office, shall declare as elected the person who shall appear to be duly elected.

§ 120. If it appears that two or more persons have, or would have had if the legal ballots cast or intended to be cast for them had been counted, the highest and an equal number of votes for the same office, the persons receiving such votes shall decide by lot, in such manner as the court shall direct, which of them shall be declared duly elected; and the judgment shall be entered accordingly. Election to be decided by lot.

§ 121. A certified copy of the judgment of the courts shall have the same effect as to the result of the election as if it had been so declared by the canvassers. Certified copy of judgment.

§ 122. When the person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualification on his part, or for other causes, the person receiving the next highest number of votes shall not be declared elected, but the election shall be declared void. In case of disqualification.

§ 123. In all cases of contested elections in the circuit courts or county courts, appeals may be taken to the supreme court in the same manner, and upon like conditions as is provided by law for taking appeals in cases in chancery from the circuit courts. Appeals.

RESIGNATIONS AND VACANCIES.

§ 124. Resignations of elective offices shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment, or to order an election to fill such vacancy. Resignations.

§ 125. Every elective office shall become vacant on the happening of either of the following events, before the expiration of the term of such office: Vacancies.

First—The death of the incumbent.

Second—His resignation.

Third—His becoming insane.

Fourth—His ceasing to be an inhabitant of the state; or, if the office is local, his ceasing to be an inhabitant of the district, county, town or precinct for which he was elected.

Fifth—His conviction of an infamous crime, or of any offense involving a violation of official oath.

Sixth—His removal from office.

Seventh—His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond within the time prescribed by law.

Eighth—The decision of a competent tribunal declaring his election void.

§ 126. Whenever it is alleged that a vacancy in any office exists, the officer, court, or county board whose duty it is to fill the vacancy by appointment, or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exist. Vacancies to be filled.

In office of governor and lieutenant-governor

§ 127. In case of vacancies in the offices of governor and lieutenant-governor, the officer performing the duties of the office of governor, or if there is no such officer, the secretary of state shall issue a proclamation appointing a day for a special election to fill such vacancies; and shall issue a writ of election to the county clerks of the several counties in the state, and shall also, when necessary, call a special session of the general assembly to canvass the votes cast at such election; but if such vacancy shall occur not more than ninety days before a general election for members of the legislature, the vacancies shall be filled at such general election, in which case no special session of the general assembly to canvass the votes shall be deemed necessary.

Secretary state and other state officers.

§ 128. When a vacancy shall occur in the office of secretary of state, auditor of public accounts, treasurer, attorney-general, superintendent of public instruction, or member of the state board of equalization, the governor shall fill the same by appointment, and the appointee shall hold his office during the remainder of the term, and until his successor is elected and qualified.

Vacancy in office of senators and representatives.

§ 129. When a vacancy shall occur in the office of senator or representative in the general assembly, it shall be the duty of the county clerk of the county in which the member whose office is vacant resided, to notify the governor of such vacancy. Whereupon the governor shall issue a writ of election to the county clerk or clerks of the county or counties in which the vacancy is to be filled, fixing a day upon which an election shall be held to fill such vacancy; but unless the general assembly shall be in session at the time the vacancy occurs, or there shall be a session between the time at which the vacancy occurs and the next succeeding general election, no special election shall be ordered to fill such vacancy.

Representative in congress.

§ 130. When any vacancy shall occur in the office of representative in congress from this state, the governor shall issue a writ of election to the county clerks of the several counties in the district where the vacancy exists, appointing a day to hold a special election to fill such vacancy.

Judges of courts

§ 131. When a vacancy shall occur in the office of judge of the supreme court, judge of the circuit court, judge of the superior court of Cook county, or judge of the county court, the clerk of the court in which the vacancy exists shall notify the governor of such vacancy. If such vacancy shall occur within one year before the expiration of the term of the office made vacant, the governor shall fill such vacancy by appointment; but if the unexpired term exceeds one year, the governor shall issue a writ of election, as in other cases of vacancies, to be filled by election.

Clerks of courts.

§ 132. When a vacancy shall occur in the office of clerk of the supreme court, clerk of the circuit court, clerk of the

superior court of Cook county, or clerk of the county court, within one year before the expiration of the term of an office made vacant, the vacancy shall be filled by appointment by the court, or the judge or judges of the court to which the office appertains; but if the unexpired term exceeds one year, the governor shall issue a writ of election, as in other cases of vacancies, to be filled by election.

§ 133. When a vacancy shall occur in the office of County officers. county commissioner, state's attorney, sheriff, coroner, county clerk, recorder of deeds, county treasurer, county surveyor, justice of the peace, constable, or other county or precinct officer not otherwise provided for by law, within one year before the expiration of the term of such vacant office, the vacancy shall be filled by appointment, by the county board of the county in which the vacancy exists; but if such unexpired term exceeds one year, the county clerk, or in case of a vacancy in his office, the chairman of the county board shall issue an order appointing a day for an election to fill such vacancy, and cause notice thereof to be given as in other cases of election.

TO WHAT ELECTIONS THIS ACT MAY APPLY.

§ 134. The provisions of this act shall apply, as far as practicable, to all elections in the state, whether general, special, local or municipal, except so far as they are modified or contravened by other legal enactments.

REPEAL.

§ 135. The following acts are hereby repealed: Chapter Acts repealed. thirty-seven, of the Revised Statutes of 1845, entitled "Elections;" an act entitled "An act to amend the seventh section of the thirty-seventh chapter of the revised laws of 1845, in relation to elections," approved February 23, 1847; an act entitled "An act to provide for the mode of voting by ballot, and for the manner of returning, canvassing and certifying votes," approved February 12, 1849; an act entitled "An act to provide for the filling of vacancies in certain county offices," approved November 6, 1849; an act entitled "An act to prevent illegal voting at elections," approved February 21, 1861; an act entitled "An act to provide for ascertaining the qualification of voters, and to prevent fraudulent voting," approved February 22, 1861, and all other acts inconsistent with the provisions of this act: *Provided*, that this section shall not be construed so as to affect any rights or causes of action that may have accrued before this act shall take effect.

APPROVED April 3, 1872.

EMINENT DOMAIN.

In force July 1,
1872.

AN ACT to provide for the exercise of the right of eminent domain.

Compensation
to be made.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That private property shall not be taken or damaged for public use without just compensation, and that in all cases in which compensation is not made by the state in its corporate capacity, such compensation shall be ascertained by a jury, as hereinafter prescribed.

Manner of proceeding — petition.

§ 2. That in all cases where the right to take private property for public use, without the owner's consent, or the right to construct or maintain any public road, railroad, plankroad, turnpike road, canal, or other public work or improvement, or which may damage property not actually taken, has been heretofore, or shall hereafter be conferred by general law or special charter upon any corporate or municipal authority, public body, officer or agent, person, commissioner or corporation, and the compensation to be paid for or in respect of the property sought to be appropriated or damaged for the purposes above mentioned, cannot be agreed upon by the parties interested, or in case the owner of the property is incapable of consenting, or his name or residence is unknown, or he is a non-resident of the state, it shall be lawful for the party authorized to take or damage the property so required, or to construct, operate and maintain any public road, railroad, plankroad, turnpike road, canal or other public work or improvement, to apply to the judge of the circuit or county court, either in vacation or term time, where the said property or any part thereof is situate, by filing with the clerk a petition, setting forth, by reference, his or their authority in the premises, the purpose for which said property is sought to be taken or damaged, a description of the property, the names of all persons interested therein as owners or otherwise, as appearing of record, if known, or if not known, stating that fact, and praying such judge to cause the compensation to be paid to the owner to be assessed. If the proceedings seek to affect the property of persons under guardianship, the guardians or conservators of persons having conservators, shall be made parties defendant, and if of married women, their husbands shall also be made parties. Persons interested, whose names are unknown, may be made parties defendant by the description of the unknown owners, but in all such cases an affidavit shall be filed by or on behalf of the petitioner, setting forth that the names of such persons are unknown. In cases where the property is sought to be taken

or damaged by the state for the purpose of establishing, operating or maintaining any state house or state charitable or other state institutions or improvements, the petition shall be signed by the governor or such other person as he shall direct, or as shall be provided by law.

§ 3. If such petition be presented to a judge in vacation, the judge shall note thereon the day of presentation, and shall also note thereon the day when he will hear the same, and shall order the issuance of summons to each resident defendant, and the publication of notice as to each non-resident defendant, and the clerk of the court shall at once issue the summons and give the notices accordingly.

When petition is presented in vacation.

§ 4. Service of such summons and publication of such notice shall be made as in cases in chancery.

Service of summons.

§ 5. Causes may be heard by such judges in vacation as well as in term time, but no cause shall be heard earlier than ten days after service upon defendant, or upon due publication against non-residents. Any number of separate parcels of property, situate in the same county, may be included in one petition, and the compensation for each shall be assessed separately, by the same or different juries, as the court or judge may direct. Amendments to the petition, or to any paper or record in the cause, may be permitted whenever necessary to a fair trial and final determination of the questions involved. Should it become necessary at any stage of the proceedings to bring a new party before the court or judge, the court or judge shall have the power to make such rule or order in relation thereto as may be deemed reasonable and proper; and shall also have power to make all necessary rules and orders for notice to parties of the pendency of the proceeding, and to issue all process necessary to the execution of orders and judgments as they may be entered.

Causes may be heard in vacation.

Parcels of property included.

§ 6. In cases fixed for hearing of petition in vacation, it shall be the duty of the clerk of the court in whose office the petition is filed, at the time of issuing summons or making publication, to write the names of each of sixty-four disinterested freeholders of the county on sixty-four slips of paper, and, in presence of two disinterested freeholders, cause to be selected from said sixty-four names twelve of said persons to serve as jurors—such selection to be made by lot and without choice or discrimination; and the said clerk shall thereupon issue *venire*, directed to the sheriff of his county, commanding him to summon the twelve persons so selected as jurors to appear at the court house in said county, at a time to be named in the *venire*.

Duty of clerk of court—jury.

§ 7. The petitioner, and every party interested in the ascertaining of compensation, shall have the same right of challenge of jurors as in other civil cases in the circuit courts. If the pannel be not full by reason of non-attendance, or be exhausted by challenges, the judge hearing such

Challenge of jurors.

petition shall designate by name the necessary number of persons, of proper qualification, and the clerk or justice shall issue another *venire*, returnable instanter, and until the jury be full.

Jury to take
oath.

§ 8. When the jury shall have been so selected, the court shall cause the following oath to be administered to said jury:

You and each of you do solemnly swear that you will well and truly ascertain and report just compensation to the owner (and each owner) of the property which it is sought to take or damage in this case, and to each person therein interested, according to the facts in the case, as the same may be made to appear by the evidence, and that you will truly report such compensation so ascertained: so help you God.

Jury to exam-
ine land in per-
son.

§ 9. Said jury shall, at the request of either party, go upon the land sought to be taken or damaged, in person, and examine the same, and after hearing the proof offered make their report in writing, and the same shall be subject to amendment by the jury, under the direction of the court or the judge, as the case may be, so as to clearly set forth and show the compensation ascertained to each person thereto entitled, and the said verdict shall thereupon be recorded: *Provided*, that no benefits or advantages which may accrue to lands or property affected shall be set off against or deducted from such compensation, in any case.

Judgment of
court.

§ 10. The judge or court shall, upon such report, proceed to adjudge and make such order as to right and justice shall pertain, ordering that petitioner enter upon such property and the use of the same, upon payment of full compensation, as ascertained as aforesaid; and such order, with evidence of such payment, shall constitute complete justification of the taking of such property.

Cross petition.

§ 11. Any person not made a party may become such by filing his cross petition, setting forth that he is the owner or has an interest in property, and which will be taken or damaged by the proposed work; and the rights of such last named petitioner shall thereupon be fully considered and determined.

Appeal.

§ 12. In all cases, in either the circuit or county court, or before a circuit or county judge, an appeal shall lie to the supreme court.

Where appeal
is taken.

§ 13. In cases in which compensation shall be ascertained as aforesaid, if the party in whose favor the same is ascertained shall appeal such proceeding, the petitioner shall, notwithstanding, have the right to enter upon the use of the property upon entering into bond, with sufficient surety, payable to the party interested in such compensation, conditioned for the payment of such compensation as may be finally adjudged in the case, and in case of appeal by petitioner, petitioner shall enter into like bond with approved surety; said bonds shall be approved by the judge

before whom such proceeding shall be had, and executed and filed within such time as shall be fixed by said judge-

§ 14. Payment of compensation adjudged may, in all cases, be made to the county treasurer, who shall, on demand, pay the same to the party thereto entitled, taking receipt therefor, or payment may be made to the party entitled, his, her or their conservator or guardian. Payment of compensation.

§ 15. The court or judge shall cause the verdict of the jury and the judgment of the court to be entered upon the records of said court. Verdict to be recorded.

§ 16. All laws and parts of laws in conflict with the provisions of this act are hereby repealed: *Provided*, that this act shall not be construed to repeal any law or part of law upon the same subject passed by this general assembly; but in all such cases this act shall be construed as providing a cumulative remedy. Acts repealed.

APPROVED April 10, 1872.

EVIDENCE AND DEPOSITIONS.

AN ACT in regard to evidence and depositions in civil cases.

In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That no person shall be disqualified as a witness in any civil action, suit or proceeding, except as hereinafter stated, by reason of his or her interest in the event thereof, as a party or otherwise, or by reason of his or her conviction of any crime; but such interest or conviction may be shown for the purpose of affecting the credibility of such witness; and the fact of such conviction may be proven like any fact not of record, either by the witness himself (who shall be compelled to testify thereto,) or by any other witness cognizant of such conviction, as impeaching testimony, or by any other competent evidence. Witnesses in civil suit.

§ 2. No party to any civil action, suit or proceeding, or person directly interested in the event thereof, shall be allowed to testify therein of his own motion, or in his own behalf, by virtue of the foregoing section, when any adverse party sues or defends as the trustee or conservator of any idiot, habitual drunkard, lunatic or distracted person, or as the executor, administrator, heir, legatee or devisee of any deceased person, or as guardian or trustee of any such heir, legatee or devisee, unless when called as a witness by such Suits by trustees, conservators or administrators.

adverse party so suing or defending, and also except in the following cases, namely :

First—In any such action, suit or proceeding, a party or interested person may testify to facts occurring after the death of such deceased person, or after the ward, heir, legatee or devisee shall have attained his or her majority.

Agent of deceased person.

Second—When, in such action, suit or proceeding, any agent of any deceased person shall, in behalf of any person or persons suing or being sued, in either of the capacities above named, testify to any conversation or transaction between such agent and the opposite party or party in interest, such opposite party or party in interest may testify concerning the same conversation or transaction.

Testimony as to conversations.

Third—Where, in any such action, suit or proceeding, any such party suing or defending, as aforesaid, or any person having a direct interest in the event of such action, suit or proceeding, shall testify in behalf of such party so suing or defending, to any conversation or transaction with the opposite party or party in interest, then such opposite party or party in interest shall also be permitted to testify as to the same conversation or transaction.

When witness is not a party in interest.

Fourth—Where, in any such action, suit or proceeding, any witness, not a party to the record, or not a party in interest, or not an agent of such deceased person, shall, in behalf of any party to such action, suit or proceeding, testify to any conversation or admission by any adverse party or party in interest, occurring before the death and in the absence of such deceased person, such adverse party or party in interest may also testify as to the same admission or conversation.

Deposition of deceased persons.

Fifth—When, in any such action, suit or proceeding, the deposition of such deceased person shall be read in evidence at the trial, any adverse party or party in interest may testify as to all matters and things testified to in such deposition by such deceased person, and not excluded for irrelevancy or incompetency.

Book accounts.

§ 3. Where, in any civil action, suit or proceeding, the claim or defense is founded on a book account, any party or interested person may testify to his account book, and the items therein contained ; that the same is a book of original entries, and that the entries therein were made by himself, and are true and just ; or that the same were made by a deceased person, or by a disinterested person, a non resident of the state at the time of the trial, and were made by such deceased or non-resident person in the usual course of trade, and of his duty or employment to the party so testifying ; and thereupon the said account book and entries shall be admitted as evidence in the cause.

Suits against surviving partner.

§ 4. In any action, suit or proceeding, by or against any surviving partner or partners, joint contractor or contractors, no adverse party, or person adversely interested in

the event thereof, shall, by virtue of section one of this act, be rendered a competent witness to testify to any admission or conversation by any deceased partner or joint contractor, unless some one or more of the surviving partners or joint contractors were also present at the time of such admission or conversation.

§ 5. No husband or wife shall, by virtue of section one of this act, be rendered competent to testify for or against each other as to any transaction or conversation occurring during the marriage, whether called as a witness during the existence of the marriage, or after its dissolution, except in cases where the wife would, if unmarried, be plaintiff or defendant, or where the cause of action grows out of a personal wrong or injury done by one to the other, or grows out of the neglect of the husband to furnish the wife with a suitable support; and except also in cases where the litigation shall be concerning the separate property of the wife, and suits for divorce; in all of which cases the husband and wife may testify for or against each other, in the same manner as other parties may under the provisions of this act.

Testimony of husband and wife.

§ 6. Any party to any civil action, suit or proceeding, may compel any adverse party or person, for whose benefit such action, suit or proceeding is brought, instituted, prosecuted or defended, to testify as a witness at the trial, or by deposition, taken as other depositions are by law required, in the same manner, and subject to the same rules, as other witnesses.

Parties may be compelled to testify.

§ 7. In any civil action, suit or proceeding, no person who would, if a party thereto, be incompetent to testify therein under the provisions of section two or section three, shall become competent by reason of any assignment or release of his claim, made for the purpose of allowing such person to testify.

Incompetent witnesses.

§ 8. Nothing in this act contained shall in any manner affect the laws now existing relating to the settlement of the estates of deceased persons, infants, idiots, lunatics, distracted persons, or habitual drunkards having conservators, or to the acknowledgment or proof of deeds and other conveyances relating to real estate, in order to entitle the same to be recorded, or to the attestation of the execution of last wills and testaments, or of any other instrument required by law to be attested.

Estates of lunatics, infants, etc.

§ 9. The several courts shall have power, in any action pending before them, upon motion, and good and sufficient cause shown, and reasonable notice thereof given, to require the parties, or either of them, to produce books or writings in their possession or power which contain evidence pertinent to the issue.

Books and writings.

§ 10. The printed statute books of the United States, and of this state, and of the several states—of the territories

Printed statutes.

and late territories of the United States, purporting to be printed under the authority of said United States, any state or territory—shall be evidence in all courts and places in this state, of the acts therein contained.

Exemplifica-
tions of laws.

§ 11. An exemplification by the secretary of this state, of the laws of the other states and territories, which have been or shall hereafter be transmitted, by order of the executive or legislatures of such other states or territories, to the governor of this state, and by him deposited in the office of said secretary, shall be admissible as evidence in any court of this state.

Reports of su-
preme courts.

§ 12. The books of reports of decisions of the supreme court, and other courts of the United States, of this state, and of the several states and the territories thereof, purporting to be published by authority, may be read as evidence of the decisions of such courts.

Records of
courts.

§ 13. The papers, entries and records of courts may be proved by a copy thereof certified under the hand of the clerk of the court having the custody thereof, and the seal of the court, or by the judge of the court if there be no clerk.

Records and
ordinances of
cities.

§ 14. The papers, entries, records and ordinances, or parts thereof, of any city, village, town or county, may be proved by a copy thereof, certified under the hand of the clerk or the keeper thereof, and the corporate seal, if there be any; if not, under his hand and private seal.

Records of cor-
porations.

§ 15. The papers, entries and records of any corporation or incorporated association may be proved by a copy thereof, certified under the hand of the secretary, clerk, cashier, or other keeper of the same. If the corporation or incorporated association has a seal, the same shall be affixed to such certificate.

Certificate.

§ 16. The certificate of any such clerk of a court, city, village, town, county, or secretary, clerk, cashier, or other keeper of any such papers, entries, records or ordinances, shall contain a statement that such person is the keeper of the same, and if there is no seal, shall so state.

Proceedings
and judgments
before justices.
Copies.

§ 17. The proceedings and judgments before justices of the peace may be proved by a certified copy thereof, under the hand and private seal of the justice before whom such proceeding or judgment is had, or his successor, having the custody of the same. When such certified copy is to be used as evidence in any county other than that in which the justice so certifying resides, the certificate of the county clerk shall be annexed, certifying that the justice before whom the proceeding or judgment was had, was at the time such proceeding or judgment was had, a justice of the peace, duly commissioned, and if the certificate is by a successor, that he was such successor at the time of making such certificate.

§ 18. Any such papers, entries, records and ordinances may be proved by copies examined and sworn to by credible witnesses. Copies.

§ 19. If any such officer, clerk, secretary, cashier, justice of the peace, or other person authorized to certify copies of any papers, entries, records or ordinances, shall knowingly make a false certificate, he shall be punishable in the same manner as if he were guilty of perjury. False certificates.

§ 20. The official certificate of any register or receiver of any land office of the United States, to any fact or matter on record in his office, shall be received in evidence in any court in this state, and shall be competent to prove the fact so certified. The certificate of any such register, of the entry or purchase of any tract of land within his district, shall be deemed and taken to be evidence of title in the party who made such entry or purchase, or his heirs or assigns, and shall enable such party, his heirs or assigns, to recover or protect the possession of the land described in such certificate, in any action of ejectment or forcible entry and detainer, unless a better legal and paramount title be exhibited for the same. And the signature of such register or receiver may be proved by a certificate of the secretary of state, under his seal, that such signature is genuine. Certificate of land register or receiver.

§ 21. A patent for land shall be deemed and considered a better legal and paramount title in the patentee, his heirs or assigns, than the official certificate of any register of a land office of the United States, of the entry or purchase of the same land. Patent for land.

§ 22. In all cases where any lands or lots have been or may be sold by this state, or any of the officers thereof, under the authority of any law of this state, whereof the patent shall be signed by the governor, under the seal of this state, and in case said patent has been or shall purport to be recorded in the recorder's office of the county where the lands or lots are situated, and said patent shall be lost, or out of the power of the party desiring to use the same to produce in evidence, a copy of the record of said patent, certified by the recorder of said county, may be read in evidence, in place of said original patent; which copy, certified as aforesaid, shall be *prima facie* evidence of the issuing of said patent, and of the contents thereof. The provisions of this section shall apply to deeds executed by the trustees of the Illinois and Michigan canal. When patent is recorded.

§ 23. Copies of the books and entries of the sale of all lands or lots heretofore or that hereafter may be sold by this state, or any of the officers thereof, under any law of this state, certified to be true and correct copies of such books and entries, by the proper person or officer in whose custody said books and entries may properly be, shall be *prima* Copies of entries of sales of land.

facie evidence of the facts stated in said books and entries. The certificate of such officer of the purchase of or issuing of a patent for any tract of land sold by this state, or any agent of the same, shall be deemed and taken as evidence of title in the party certified to have made such purchase or obtained such patent, his heirs or assigns, unless a better and paramount title is exhibited for the same. The patent for land shall be deemed a better and paramount title in the patentee, his heirs and assigns, than such certificate.

Depositions in
suits in chan-
cery.

§ 24. When the testimony of any witness, residing or being within this state, shall be necessary in any suit in chancery in this state, the party wishing to use the same may cause the deposition of such witness to be taken before any judge, justice of the peace, clerk of a court, master in chancery or notary public, without a commission or filing interrogations for such purpose, on giving to the adverse party or his attorney ten days' notice of the time and place of taking the same, and one day in addition thereto (Sundays inclusive) for every fifty miles' travel from the place of holding the court to the place where such deposition is to be taken. If the party entitled to notice and his attorney resides in the county where the deposition is to be taken, five days' notice shall be sufficient.

Depositions in
suits at law.

§ 25. And it shall also be lawful, upon satisfactory affidavit being filed, to take the depositions of witnesses residing in this state, to be read in suits at law, in like manner and upon like notice as is above provided, in all cases where the witness resides in a different county from that in which the court is held; is about to depart from the state; is in custody on legal process; or is unable to attend such court on account of advanced age, sickness or other bodily infirmity.

Witnesses at a
distance or in
the service of
the U. S.

§ 26. When the testimony of any witness residing within this state more than one hundred miles from the place of holding the court, or not residing in this state, or who is engaged in the military or naval service of this state or of the United States, and is out of this state, shall be necessary in any civil cause pending in any court of law or equity in this state, it shall be lawful for the party wishing to use the same, on giving to the adverse party, or his attorney, ten days' previous notice, together with a copy of the interrogatories intended to be put to such witness, to sue out from the proper clerk's office a *dedimus potestatem* or commission, under the seal of the court, directed to any competent and disinterested person, as commissioner, or to any judge, master in chancery, notary public or justice of the peace of the county or city in which such witness may reside, or in case it is to take the testimony of a person engaged in such military service, "to any commissioned officer in the military or naval service of this state or the

Untied States," authorizing and requiring him to cause such witness to come before him, at such time and place as he may designate and appoint, and faithfully to take his deposition upon all such interrogatories as may be inclosed with or attached to said commission, both on the part of the plaintiff and defendant, and none others; and to certify the same, when thus taken, together with the said commission and interrogatories, into the court in which such cause shall be pending, with the least possible delay.

§ 27. When the deposition of any witness is desired to be taken under the provisions of this act, and the adverse party is not a resident of the county in which the suit is pending, or is in default, and no attorney has appeared for him in such cause, upon filing an affidavit of such fact and stating the place of residence of such adverse party, if known, or that upon diligent inquiry, his place of residence cannot be ascertained, the notice required by this act may be given by sending a copy thereof by mail, postage paid, addressed to such party at his place of residence, if known, or if not known, by posting a copy of such notice at the door of the court house where the suit is pending, or publishing the same in the nearest newspaper, and when interrogatories are required, filing a copy thereof with the clerk of the court ten days before the time of suing out such commission.

Notice to adverse party.

§ 28. When a party shall desire to take the evidence of a non-resident witness, to be used in any cause pending in this state, the party desiring the same, or where notice shall have been given that a commission to take the testimony of a non-resident witness will be applied for, the opposite party, upon giving the other three days' notice in writing of his election so to do, may have a commission, directed in the same manner as provided in section twenty-six of this act, to take such evidence, upon interrogatories to be propounded to the witness orally; upon the taking of which each party may appear before the commission, in person or by attorney, and interrogate the witness. The party desiring such testimony shall give to the other the following notice of the time and place of taking the same, to-wit: ten days, and one day in addition thereto (Sundays included) for every one hundred miles' travel from the place of holding the court to the place where such deposition is to be taken.

Non-resident witnesses.

§ 29. When a party to a suit shall give the opposite party notice to take a deposition upon oral interrogatories, and shall fail to take the same accordingly, unless such failure be on account of the non-attendance of the witness, not occasioned by the fault of the party giving the notice, or some other unavoidable cause, the party notified, if he shall attend himself or by attorney, agreeably to the notice, shall be entitled to two dollars per day for each day he may attend under such notice, and to six cents per mile for every

Failure to take deposition after notice.

mile that he shall necessarily travel in going to or returning from the place designated to take the deposition, to be allowed by the court where the suit is pending, and for which execution may issue.

Witnesses to
be sworn.

§ 30. Previous to the examination of any witness whose deposition is about to be taken as aforesaid, he or she shall be sworn (or affirmed) by the person or persons authorized to take the same, to testify the truth in relation to the matter in controversy, so far as he or she may be interrogated; whereupon the said commissioner, judge, master in chancery, notary public, justice of the peace, clerk, or other person authorized to take depositions (as the case may be), shall proceed to examine such witness upon all such interrogatories as may be inclosed with or attached to any such commission as aforesaid, and which are directed to be put to such witness, or where the testimony is taken upon oral interrogatories, upon all such interrogatories as may be directed to be put by either party litigant; and shall cause such interrogatories, together with the answers of the witness thereto, to be reduced to writing in the order in which they shall be proposed and answered, and signed by such witness; after which, it shall be the duty of the person taking such deposition, to annex at the foot thereof a certificate, subscribed by himself, stating that it was sworn to and signed by the deponent, and the time and place when and where the same was taken. And every such deposition, when thus taken and subscribed, and all exhibits produced to the said commissioner, judge, master in chancery, notary public, justice of the peace, or clerk, or other person authorized to take depositions, as aforesaid, or which shall be proved or referred to by any witness, together with the commission and interrogatories, if any, shall be inclosed, sealed up, and directed to the clerk of the court in which the action shall be pending, with the names of the parties litigant indorsed thereon: *Provided*, that when any deposition shall be taken as aforesaid, by any judge, master in chancery, notary public or justice of the peace out of this state, or other officer, such return shall be accompanied by a certificate of his official character, under the great seal of the state, or under the seal of the proper court of record of the county or city wherein such deposition shall be taken.

Unsealed de-
positions.

§ 31. Every deposition that shall be returned to the court unsealed, or the seal of which shall be broken previous to its reception by the clerk to whom it is directed, shall, if objection be made thereto in proper time, be regarded by the court as informal and insufficient.

Seal not to be
broken.

§ 32. It shall not be lawful for any party litigant, or the clerk of the court into which any deposition may be returned as aforesaid, to break the seal of the same, either in term time or in vacation, unless by consent of parties or their attorneys, indorsed thereon by permission of the

court. And if any such person or clerk shall presume to open any such deposition when taken and returned as aforesaid, without such consent or permission, as aforesaid, he shall be considered guilty of a contempt of court, and may be punished accordingly: *Provided*, that it shall not be considered an offense for the clerk to break open any such deposition, as aforesaid, where it is doubtful, from the indorsements made thereon, whether the same be a deposition or not; but in such case, it shall not be proper for such clerk to permit any person to examine any deposition which may be thus opened by mistake, until permission shall have been first given by the court as aforesaid, or by consent indorsed aforesaid.

§ 33. The party, his attorney, or any person who shall in anywise be interested in the event of the suit, shall not be permitted to dictate, write or draw up any deposition which may at any time be taken under this act, or be present during the taking of any deposition by written interrogatories; and every deposition so dictated, written or drawn up, or during the taking of which any such party, his attorney, or any person so interested is present when the same is taken upon written interrogatories as aforesaid, shall be rejected by the court as informal and insufficient.

Interested parties not to dictate depositions

§ 34. Every examination and deposition which shall be taken and returned according to the provisions of this act, may be read as good and competent evidence in the cause in which it shall be taken, as if such witness had been present and examined by parol in open court, on the hearing or trial thereof.

Depositions as evidence.

§ 35. If it shall appear to the satisfaction of the court that any witness has not given full or proper answers to the interrogatories or cross-interrogatories accompanying the commission to take his testimony, or that a further examination ought to be allowed to either party for the ends of justice, may allow another commission to issue to the same or other commissioner, to further examine the witness in such manner and upon such conditions and notice as the court shall direct.

When full answers are not given.

§ 36. Each and every commissioner, judge, justice of the peace, or clerk of court, master in chancery, notary public or other officer who may at any time be required to take depositions in any cause pending in any of the courts of law or equity in this state, or by virtue of any commission issued out of any court of record in any other state or territory, shall have power and authority to issue subpoenas, if necessary, to compel the attendance of all such witnesses as shall be named in the commission, or by the parties litigant, where no commission is necessary, in the same manner and under the same penalties as is prescribed in other cases, where witnesses are directed to be subpoenaed.

Subpoenas.

Compensation
of witnesses.

§ 37. Every witness attending before any commissioner, judge, justice of the peace, clerk or other person authorized to take depositions, as aforesaid, to be examined as aforesaid, shall be entitled to a compensation for his time and attendance and traveling expenses, at the same rate, for the time being, as is or shall be allowed by law to witnesses attending courts of record in this state; and the party requiring such examination shall pay the expenses thereof, but may, if successful in the suit, be allowed for the same in the taxation of costs.

Oral testimony.

§ 38. On the trial of every suit in chancery, oral testimony shall be taken when desired by either party.

PERPETUATING TESTIMONY.

Perpetuating
testimony — pe-
tition.

§ 39. In all cases hereafter, where any person shall desire to perpetuate the remembrance of any fact, matter or thing, which may relate to the boundaries or improvements of land; name or former name of water courses; the name or former name of any portion or district of country; regarding the ancient customs, laws or usages of the inhabitants of any part of this country, as far as the same may relate to the future settlement of the land claims; or touching the marriage or pedigree of any person or persons, or any other matter or thing necessary to the security of any estate, real, personal or mixed, or any private right whatever, it shall be lawful for such person, upon filing a petition supported by affidavit, in the circuit court of the proper county, setting forth, briefly and substantially, his interest, claim or title in or to the subject concerning which he desires to perpetuate evidence, the fact intended to be established and the names of all other persons interested or supposed to be interested therein, and whether there are any persons interested therein whose names are unknown to the petitioner, and the name of the witness proposed to be examined, to sue out from such court a *dedimus potestatem* or commission, directed to any competent and disinterested person as commissioner, or to any judge, commissioner of deeds, master in chancery, notary public, clerk of a court or justice of the peace in the county in which such witness resides or in which the testimony is to be taken, authorizing him or them to take the deposition of such witness.

Petition to be
docketed.

§ 40. Such petition shall be docketed by the clerk, as other cases in equity; the petitioner being designated as plaintiff and the persons stated to be interested, as aforesaid, as defendants—the parties whose names are unknown being designated as “unknown owners.”

Several com-
missions may
be issued.

§ 41. Several commissions may be issued, upon the same petition, to different commissioners or officers, either within or without this state, to take the testimony of different witnesses, or witnesses residing in different places, or

the same commissioners or officers may proceed from place to place to take the same.

§ 42. Before taking the testimony of a witness, the person suing out such commission shall give to each and every person known to be interested in the subject matter of such testimony, or his attorney, or, if a minor, his guardian, or, if he has no guardian or if his guardian is interested, to such guardian *ad litem* as shall be appointed by the court, or to his or her conservator if he or she has one, two weeks, notice, in writing, of the time and place when and where the testimony will be taken, which notice shall state when and where the petition was filed, the names of the parties and witnesses mentioned in the petition, and a short statement of the subject matter concerning which the testimony is to be taken. Notice to be given.

§ 43. Notice to non-resident parties, or such as cannot be found so as to be personally served, and to unknown owners, may be given in the same manner as is provided for notifying non-resident parties in suing out a commission to take testimony in a case pending. Non-resident parties.

§ 44. When, in the opinion of the court, no sufficient provision is made by law for giving notice to parties adversely interested, the court may order such reasonable notice to be given as it shall deem proper. Court may order notice.

§ 45. Every person who may think himself interested in the subject of a deposition about to be taken, may attend, by himself or his attorney, at the time and place of taking such testimony, and may examine and cross-examine such deponent; and all such questions as may be proposed, together with the answers thereto by the witness, shall be reduced to writing in the English language, as near as possible in the exact words of such deponent, which said questions and answers, when reduced to writing as aforesaid, shall be distinctly read over to the witness; and if found to be correct, shall be signed by him in the presence of the commissioner or officer before whom the same is taken, who shall thereupon administer an oath or affirmation to such witness, as to the truth of the deposition so taken as aforesaid, and shall annex at the foot thereof a certificate, subscribed by such commissioner or officer, stating that it was sworn to and signed by the deponent, and the time and place when and where the same was taken; and all such depositions, when thus taken, shall be carefully sealed up, and transmitted to the clerk of the circuit court of the county from which such *dedimus* shall have been issued, within thirty days from the time of taking the same; who shall thereupon enter the same at large upon the records in his office, and shall certify on the back of such deposition that the same has been duly recorded, and return it to the person for whose benefit it shall have been taken. Interested persons may attend

Depositions or
certified copies.

§ 46. All depositions taken under the provisions of the seven preceding sections, or a certified copy of the record thereof, may be used as evidence in any case to which the same may relate, in the same manner and subject to the same conditions and objections as if it had been originally taken in the suit or proceeding in which it is sought to be used; and parties notified as "unknown owners," in the manner hereinbefore provided, shall be bound to the same extent as other parties.

Interpreters.

§ 47. Interpreters may be sworn truly to interpret, when necessary in taking depositions.

Commissioners
of land.

§ 48. All testimony that has been or may hereafter be taken by commissions of surveyors for the establishing of original corners of land, shall be filed with their report to court, and may be read as evidence in all suits in reference to said corners hereafter.

APPROVED March 29, 1872.

FARMERS AND FRUIT GROWERS.

In force July 1,
1873.

AN ACT for the protection of farmers, fruit growers, vine growers and gardeners.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That every farmer, fruit and vine grower, and gardener, shall have an undisputed right to sell the produce of his farm, orchard, vineyard and garden in any place or market where such articles are usually sold, and in any quantity he may think proper, without paying any state, county or city tax, or license, for doing so, any law, city or town ordinance to the contrary notwithstanding: Provided, that the corporate authorities of any such city, town or village may prohibit the obstruction of its streets, alleys and public places for any such purpose: And, provided, further, that nothing in this act shall be so construed as to authorize the sale of spirituous, vinous or malt liquors, contrary to laws which now are or hereafter may be in force prohibiting the sale thereof.*

APPROVED January 13, 1872.

FEEBLE-MINDED CHILDREN.

AN ACT incorporating the Illinois Institution for the Education of Feeble-minded Children. In force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the care, support, education and training of idiotic and imbecile children and youth, a corporation is hereby created, to be known by the name of "The Illinois Institution for the Education of Feeble-minded Children," and to have perpetual succession, with power to contract and to be contracted with, to sue and be sued, to plead and be impleaded, to receive by any legal mode of transfer or conveyance, and have, hold and use, property of every description, and to sell and convey the same; also to have and use a common seal, with power to change the same; also to adopt by-laws, rules and regulations for the government of its members, officers, agents, employes and inmates: *Provided*, that such by-laws shall not be contrary to the constitution of the state of Illinois or of the United States.

Corporation
created—style.

§ 2. The object of said corporation shall be to promote, by all proper and feasible means, the intellectual, moral and physical culture of that unfortunate portion of the community who have been born, or by disease have become idiotic, imbecile or feeble-minded, and by a judicious and well adapted course of instruction and training, and management, to ameliorate their condition, and to develop as much as possible their intellectual faculties—to reclaim them from their hopeless condition, and fit them, as far as possible, for future usefulness in society.

Object.

§ 3. The number of trustees shall not exceed three, and not more than one member shall be appointed from any one county. Said trustees shall be appointed by the governor, with the advice and consent of the senate; shall serve without compensation; their term of service shall be six years, respectively, except in the case of the first board, one of whom shall be appointed for two years, one for four years, and one for six years from the passage of this act, and until their successors are appointed and qualified; and at the expiration of their respective terms of office, the vacancies shall be filled for the full term. Should any vacancy occur by death, resignation or otherwise, such vacancy shall be filled by the governor by an appointment for the unexpired term of the trustee whose place was thus vacated.

Number of
trustees.

§ 4. The said trustees shall each be paid his traveling and personal expenses while in the service of the institution. The said expenses shall be paid out of funds appro-

Expenses of
trustees.

propriated to said institution only as follows: The auditor of public accounts shall issue his warrant upon the treasurer in favor of each of such trustees for the amount of his actual expenses in his attendance upon said board of trustees, upon the filing in the office of the said auditor of the voucher of the said trustee, setting forth in detail the amount and nature of each and every such expense, and the auditor shall charge the amount of the said warrant to the fund appropriated to the said institution.

Trustees not
to hold office.

§ 5. No member of said board shall be employed or appointed in or to any office or place under the authority of the board of which he is a member; nor shall any member of said board be directly or indirectly interested in any contract to be made by said board, for any purpose whatever.

Duties of trustees.

§ 6. The said trustees shall have charge of the general interests of the institution, and shall appoint a superintendent, who shall be a physician, and fix the amount of his salary, who, with the consent of said board, shall employ all necessary assistants, teachers and other employes. The trustees shall make such by-laws for the government of the institution as shall be necessary for the successful attainment of the objects of the corporation. The said trustees, or a majority of them when convened, shall constitute a board, and shall have power to appoint a president, a treasurer and a secretary, the president to be selected from their own number, and the superintendent to serve, *ex-officio*, as secretary, and to prescribe their duties and fix their terms of service. They shall require the treasurer, from time to time, to give bonds to the People of the State of Illinois for the faithful discharge of the duties of his office; they shall determine the salaries of such other officers and assistants as may be necessary to the able and economical administration of the affairs of the institution.

Superintendent
to control.

§ 7. The superintendent shall exercise entire official control over all subordinate officers and assistants in this institution, and shall have entire direction of the duties of the same and be responsible for their fidelity.

Pupils to conform to rules.

§ 8. Pupils or children placed in the institution by parents and guardians, or other persons having rightful control, shall be required to conform to the rules and regulations of the institution as far as they may have ability.

Annual reports
to governor.

§ 9. The board shall make annual reports to the governor of the state on or before the fifteenth of December, showing the number of applications received, the number of pupils under instruction, the number of pupils admitted, and the number of pupils discharged during the year; also, the progress and results of the system of instruction pursued at the institution, and such general facts as may be instrumental in giving the people of the state of Illinois all the information proper to be laid before them, together with

a detailed financial statement of all moneys received, and how they have been expended.

§ 10. The said trustees shall meet quarterly, when they shall examine and audit all the accounts of the institution, and make requisition on the auditor of public accounts of the state of Illinois for funds required for use during the succeeding quarter, from funds which have been appropriated by the general assembly for the use of the institution : *Provided*, that the first quarterly installment of any such appropriation shall be paid in advance, but no further warrants shall be drawn for any succeeding installment until the superintendent of said institution shall have filed with the auditor satisfactory vouchers, approved by the board of trustees, showing, in detail, each and every expenditure made out of the preceding installment.

Meetings of board.

§ 11. In all cases, where the parents of pupils sent to the Institution for the Education of Feeble-minded Children, are too poor to furnish them with good and sufficient clothing, and expenses for transportation from and to their homes, or where other pupils are without parents, and are unable to furnish themselves with such clothing and expenses for transportation, in all cases of pauper children who are idiotic or feeble-minded, the parents, guardians, or next friend of any such children, or any officer of the county or township in which such children may reside, may make application to the county court or board of supervisors of the county, and, upon a decision by such county court or board of supervisors, that such child or children are paupers, and proper subjects for the care of this institution, an order shall be passed to that effect, and the judge of the county court of the county from which they are sent shall certify the same to the superintendent, who shall procure such necessary clothing and transportation, and charge the same to said county, and present the account to the auditor of public accounts, who, thereupon, shall draw upon the county treasurer for the amount so charged to the county, and the said county shall annually assess and collect by tax the amount necessary to pay said order or orders, and if said county shall fail so to do, the circuit court in said county shall, on application therefor, compel the same by *mandamus*.

Indigent pupils.

§ 12. The board of directors of the Illinois Institution for the Education of the Deaf and Dumb, shall transfer all the property now in their possession which has been purchased or erected for and is now in use by the Illinois Institution for the Education of Feeble minded Children; also, all funds unexpended from appropriations made by the general assembly for said institution for feeble-minded children, to the board of trustees of the Illinois Institution for the Education of Feeble-minded Children, who are hereby authorized to receive all such property and funds, and

Directors of deaf and dumb to transfer property.

who shall succeed to all the rights and powers of the directors of the Illinois Institution for the Education of the Deaf and Dumb, so far as they extend to the Illinois Institution for the Education of Feeble-minded Children.

Auditor to
draw warrant
for appropri-
ations.

§ 13. The auditor of public accounts is hereby authorized and required to draw his warrants on the treasurer of state for all sums which may be appropriated, or are undrawn or unexpended, which have been appropriated for the use of said institution by the general assembly, upon orders of the board of trustees of the Illinois Institution for the Education of Feeble minded Children, when signed by the president and attested by the secretary of said board, with the seal of the institution.

§ 14. This act shall take effect and be in force on the first day of July, 1871.

APPROVED April 6, 1871.

FEES AND SALARIES.

In force July 1,
1872.

AN ACT to fix the salaries of state officers; of the judges of the circuit courts and superior court of Cook county; of the state's attorneys; of the judges and prosecuting attorneys of inferior courts in cities and towns; of the county officers of Cook county; to regulate the fees of the secretary of state and of the clerks of the supreme court; to classify the counties according to population, and fix the scale of fees for county officers in each class; to establish the fees of masters in chancery, notaries public, commissioners, arbitrators, jurors, witnesses, justices of the peace, constables and all town officers; to provide the mode of rendering their accounts, and to fix a penalty for exacting illegal fees.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be allowed and paid an annual salary, in lieu of all other salary, fees, perquisite, benefit or compensation, in any form whatsoever, to each of the officers herein named, the following sums respectively:

Salaries of
state officers.

To the governor the sum of six thousand dollars, together with the use and occupation of the executive mansion.

To the lieutenant-governor the sum of one thousand dollars: *Provided*, that if the powers and duties of the office of governor shall devolve upon the lieutenant-governor, the lieutenant-governor shall, during the continuance of such emergency, be entitled to the emoluments thereof as herein provided.

To the secretary of state, the sum of thirty-five hundred dollars.

To the auditor of public accounts, the sum of thirty-five hundred dollars.

To the treasurer, the sum of thirty-five hundred dollars.

To the superintendent of public instruction, the sum of thirty five hundred dollars.

To the attorney-general, the sum of thirty-five hundred dollars.

To the adjutant-general, the sum of fifteen hundred dollars.

§ 2. That all fees that now are, or that may be hereafter provided by law to be paid to either of said officers above named, shall be paid in advance into the state treasury, as revenue. The treasurer shall keep a separate account of the amount received from each office, and his receipt shall be retained by the officer rendering the services. In all cases where such officers shall be entitled to fees, they shall render, under oath, to the governor, a semi-annual report of the amount, and from what sources received: *Provided*, that this act shall not, in any respect, apply to the present incumbents in the offices of auditor and secretary of state, during their present respective terms of office, except in so far as it requires a semi-annual report of the fees by them received; but said last named officers shall receive the compensation now allowed by law during their present terms of office.

Fees of state officers.

§ 3. That each judge of the circuit courts of this state, and each judge of the superior court of Cook county, shall receive and be paid out of the state treasury of this state an annual salary of thirty-five hundred dollars, in lieu of all other compensation, perquisite or benefit, in any form whatsoever: *Provided*, that the provisions of this act shall not prevent the payment of such additional compensation to the judges of the circuit and superior courts of Cook county, out of the treasury of said county, as is or may be provided by law.

Judges of the circuit courts.

§ 4. That the salaries of the officers herein above named, provided to be paid out of the state treasury, shall be paid to the officers above named quarter-yearly, on the warrant of the auditor of public accounts, out of any money in the state treasury not otherwise appropriated.

To be paid quarter-yearly.

§ 5. Judges of inferior courts of record in towns and cities shall be allowed and receive, in lieu of all other fees, perquisites or benefits whatsoever, in cities or towns having a population not exceeding five thousand inhabitants, five hundred dollars; and in cities or towns having more than five thousand inhabitants, fifteen hundred dollars, to be paid out of the city or town treasury. County judges shall be allowed such salary as shall be fixed by their respective boards, to be paid out of the county treasury.

§ 6. That each prosecuting attorney of such inferior court, other than the state's attorney, shall be allowed and

Prosecuting attorneys.

receive in full compensation for all services rendered as prosecuting attorney of such court, an annual salary of two hundred and fifty dollars, to be paid by the town or city.

Salaries of
state's attor-
neys.

§ 7. There shall be allowed to the several state's attorneys in this state, for services to be rendered by them, the following fees and salaries, to-wit :

To each state's attorney, the sum of four hundred dollars, which salary shall be paid to them respectively, in quarterly installments, on the warrant of the auditor, out of any money in the treasury not otherwise appropriated: *Provided*, that until the election of a state's attorney, in and for each county, in the year one thousand eight hundred and seventy-two, all state's attorneys shall receive the sum now provided by law: *Provided*, that the provisions of this act shall not prevent the payment of such additional compensation to the state's attorney of Cook county, out of the treasury of said county, as is or may be provided by law.

Fees of state's
attorneys.

§ 8. The state's attorneys to be hereafter elected, shall also be allowed the following fees :

On each conviction where the crime is punished by death or confinement in the penitentiary, fifteen dollars, and five dollars each on all other convictions.

Ten per cent. upon all moneys (except revenue) collected by them and paid over to the state or any county, which sum, together with the trial fees that cannot be collected from the parties convicted, shall be paid out of any fines and forfeited recognizances collected by them.

In each case of forfeited recognizance, where the forfeiture is set aside at the instance of the defendants, except where such forfeiture has been erroneously or irregularly entered, in addition to the ordinary costs the sum of five dollars shall be collected as the state's attorney's fees.

In cases of indictment for false imprisonment or willful and malicious mischief, where the petit jury shall return with their verdict of "not guilty," that the prosecutor acted maliciously in the premises, the sum of three dollars, to be taxed and collected as other costs.

The sum of five dollars upon each examination in the circuit court of a party bound over to keep the peace, and the sum of ten dollars upon the trial of any person under the provisions of the laws concerning bastardy.

State's attorney
to make report.

§ 9. It shall be duty of each state's attorney of this state to make report in writing to the circuit court of their respective counties, on the first day of every term thereof, of all fees, fines and forfeitures by him collected, which report shall be verified by the affidavits of the party making it, and shall be filed by the clerk and recorded in a book by him to be kept for that purpose. Any state's attorney failing or refusing to make such report shall be suspended by the court until such report be made, and it shall be the duty of the court making such suspension to appoint some suit-

able person to fill the vacancy caused thereby; and any state's attorney failing to make such report for two successive terms shall be removed from office by the court, and the vacancy caused thereby shall be filled as is now or may be hereafter provided by law: *Provided*, this section shall not be construed as to apply to counties of the third class.

§ 10. There shall be paid to the secretary of state the following fees: Fees of secretary of state.

For certificate with seal, one dollar.

For each certificate without seal, twenty five cents.

For each commission to any officer or other person (except military commissions) with seal, one dollar.

For copies of exemplifications of records, with seal, for each one hundred words, fifteen cents. For copies of bills or other papers with certificates, under seal, for each one hundred words, fifteen cents.

For receiving and filing articles of association, corporations, or consolidations, each one dollar.

For issuing each license, one dollar.

§ 11. All fees collected by the secretary of state, auditor of public accounts, state treasurer, superintendent of public instruction; or attorney-general, shall be paid into the state treasury; and each of such officers collecting fees shall, semi-annually, on or before the first days of April and October, file a statement, under oath, with the governor, showing by items the amount of fees collected by him, together with the receipt of the treasurer for the same; and upon failure to file such statement, or paying to the treasurer the fees so collected, he shall forfeit the sum of fifty dollars and be liable for double the amount of fees collected and not paid to the treasurer: *Provided*, such officers shall not be required to make the payment or report required by this section until a salary for their compensation shall be provided by law. Fees to be paid into state treasury.

§ 12. The fees of the clerks of the supreme court, for any services to be rendered by them, shall be as follows: Fees of clerks supreme court.

For administering each affidavit with certificate, fifteen cents.

For entering an attorney on the roll, administering oath and certifying the same, with seal, one dollar.

For each official certificate and seal, other than to process of court, fifty cents.

For each official certificate without seal, other than to affidavits or oaths, twenty cents.

For taking and filing bonds, fifty cents.

For copy of a record or other papers in his office, for each one hundred words, fifteen cents.

For copy of a bill of costs when requested by either party, twenty-five cents.

For making a complete record when directed by either party, for each one hundred words, twenty cents.

For putting any cause on the docket, fifteen cents.

For entering each rule or order of the court, except an order of continuance, twenty-five cents.

For entering each continuance from one term to another, fifteen cents.

For entering sheriff's return on any writ, execution, mandamus or other special process, for each one hundred words, twenty cents.

For entering a judgment or decree, for each one hundred words, fifteen cents.

For entering a bill of costs in cost book, thirty-five cents.

For filing record and all other papers, five cents each.

For administering each oath or affirmation, not otherwise provided for, ten cents.

For each writ of error and seal, with supersedeas, one dollar.

For each writ of error and seal, without supersedeas, seventy-five cents.

For each subpoena, fifty cents.

For each scire facias, mandamus and other special process, for each one hundred words, twenty cents.

For bringing into court, on request, any record of a suit, matter or thing not in court, twenty-five cents.

Counties to be
divided into
classes.

§ 13. That, for the purpose of fixing the fees and compensation of county and township officers in this state, the several counties therein are hereby divided into three classes, according to population, as ascertained by the federal census of the year eighteen hundred and seventy, which classes shall be known as the first, second and third, as follows:

First class.

Counties containing a population of not exceeding twenty thousand inhabitants, to wit: the counties of Alexander, Bond, Boone, Brown, Calhoun, Carroll, Cass, Clark, Clay, Clinton, Crawford, Cumberland, DeWitt, Douglas, DuPage, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Hardin, Henderson, Jackson, Jasper, Jefferson, Jersey, Johnson, Kendall, Lawrence, Marshall, Mason, Massac, Menard, Mercer, Monroe, Moultrie, Perry, Piatt, Pope, Pulaski, Putnam, Richland, Saline, Schuyler, Scott, Stark, Union, Wabash, Washington, Wayne, White, Williamson and Woodford, shall belong to and be known as counties of the first class.

Second class.

Counties containing a population over twenty thousand and not exceeding seventy thousand, to-wit: Adams, Bureau, Champaign, Christian, Coles, DeKalb, Edgar, Fulton, Hancock, Henry, Iroquois, JoDaviess, Kane, Kankakee, Knox, Lake, LaSalle, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, McDonough, McHenry, McLean, Montgomery, Morgan, Ogle, Peoria, Pike, Randolph, Rock Island, Sangamon, Shelby, St. Clair, Ste-

phenson, Tazewell, Vermilion, Warren, Whiteside, Will and Winnebago, shall belong to and be known as counties of the second class.

Counties containing a population exceeding seventy thousand inhabitants, to-wit: the county of Cook, shall belong to and be known as counties of the third class. Third class.

The fees and compensation of the several officers hereinafter named shall be as follows, in the respective classes of counties to which they belong:

FEES OF THE CLERK OF THE CIRCUIT COURT.

§ 14. For *capias*, summons, subpoena or other process not herein expressly named, and sealing same, in counties of the first class, thirty-five cents; in counties of the second class, twenty-five cents: *Provided*, that only one subpoena shall be charged for every four witnesses, unless actually made out on request in writing. Fees of clerk of circuit court.

For filing each paper in the progress of a suit and appertaining to the same, in counties of the first and second class, five cents.

For taking appeal bond and issuing supersedeas on appeals from a justice of the peace, in counties of the first class, fifty cents; in counties of the second class, thirty-five cents.

For taking bond for costs, approving and filing same, in counties of the first and second class, twenty cents.

For filing and opening each deposition, in counties of the first class, ten cents; in counties of the second class, five cents.

For docketing suit each time, in counties of first class, twenty cents; in counties of the second class, fifteen cents.

For entering each motion, order or rule of court for a continuance, default or to plead or any order actually entered, in counties of first class, twenty cents; in second class, fifteen cents.

For discontinuance, *retraxit* or non-suit, in counties of the first class, twenty cents; in counties of the second class, fifteen cents.

For each *dedimus* to take depositions, in counties of the first class, eighty cents; in counties of the second class, sixty-five cents.

For bringing into court any particular record of a suit, matter or thing, not properly before the court, in counties of the first class, fifteen cents; in counties of the second class, ten cents.

For calling and swearing each jury, in counties of the first class, twenty-five cents; in counties of the second class, twenty cents.

For swearing each witness in court, in counties of the first and second class, five cents.

For swearing any person to an affidavit and filing the same, in counties of the first class, fifteen cents; in counties of the second class, ten cents.

For receiving and entering the verdict of a jury, in counties of the first class, twenty cents; in second class, fifteen cents.

For entering final judgment in each case, in counties of the first and second class, twenty-five cents.

For entering each decree in chancery, for every one hundred words, in counties of first class, fifteen cents; in counties of the second class, twelve cents.

For indexing each case entered upon records of court, ten cents.

For issuing each writ of habeas corpus, certiorari or procedendo, in counties of the first class, fifty cents; in counties of the second class, forty cents.

For assessing damages on any bond, note or other instrument for the payment of money by the order of court, and making a report thereof in writing and filing same, in counties of first class, twenty-five cents; in counties of second class, twenty cents.

For entering special bail of record, in counties of first class, twenty-five cents; in counties of second class, twenty cents.

For making list of jurors when requested, in counties of first class, fifteen cents; in counties of second class, ten cents.

For swearing a constable to take charge of a jury, in counties of the first and second class, ten cents.

For issuing an execution, in counties of the first class, forty cents; in counties of the second class, thirty cents.

For docketing the same, in counties of the first and second class, ten cents.

For entering sheriff's return of same, in counties of first and second class, ten cents.

For entering satisfaction of judgment, in counties of first and second class, fifteen cents.

For entering satisfaction of cost bill, five cents in counties of the first and second class.

For entering the report of commissioners, of referees, or the award of arbitrators, and all other special entries, for every one hundred words, in counties of the first class, twelve cents; in counties of second class, ten cents.

For each certificate and seal, other than on process of court, in counties of the first class, thirty-five cents; and thirty cents in counties of the second class.

For taking attachment bond, injunction bond, or bond in case of appeal to supreme court, in counties of first class, fifty cents; in counties of the second class, forty cents.

In counties of first and second class, for entering appearance of plaintiff by himself or attorney, fifteen cents, and for entering appearance of defendant, by himself or attorney, fifteen cents, to be charged but once in each cause.

For each attachment for a witness or other person, in counties of the first class, thirty-five cents; in counties of second class, thirty cents.

For each venire facias or jury warrant when actually made out, in counties of first class, thirty-five cents; in counties of second class, twenty-five cents.

For making bill of costs and entering same of record in fee book, being one charge, in counties of first class, thirty cents; in counties of second class, twenty-five cents.

For copy of the same, when required by either party, in counties of first class, twenty cents; in counties of second class, fifteen cents.

For making up a complete record of proceedings and judgment, when directed by the court, for every one hundred words, in counties of first class, fifteen cents; in counties of second class, ten cents.

For making copies of bills, answers, declarations, pleadings, judgments or other proceedings, for every one hundred words, in counties of first class, twelve cents; in counties of second class, ten cents.

For certifying and sealing same when required in writing, in counties of first class, thirty cents; in counties of second class, twenty-five cents.

For each commission, scire facias or other special writ or process, and sealing the same, for every one hundred words, in counties of first class, fifteen cents; in counties of second class, ten cents.

For taking depositions when requested and certifying to and sealing the same, for every one hundred words, in counties of first class, fifteen cents; in counties of second class, twelve cents.

For taking each recognizance in court and entering the same of record, in counties of first class, fifty cents; in counties of second class, forty cents.

For arraigning prisoner at the bar, in counties of the first class, fifty cents; in counties of the second class, forty cents.

For entering judgment of conviction, in counties of first class, fifty cents; in counties of second class, forty cents.

For a copy of indictment, when requested, for every one hundred words, in counties of first class, twelve cents; in counties of second class, ten cents.

For entering the discharge of a recognizance, in counties of first class, twenty cents; in counties of second class, fifteen cents.

For swearing person to declaration of intention to become a citizen, and filing the same, in counties of the first and second class, twenty-five cents.

For copy of same with certificate and seal, in all counties of first and second class, twenty five cents.

For making entry of record of naturalization, and for a copy thereof, or either, in all counties of first and second class, fifty cents.

For taking acknowledgment of deed or other instrument of writing with seal, in counties of first and second class, twenty-five cents.

Recording of
deeds.

For recording any deed or other instrument in writing, for every one hundred words, in counties of first class, ten cents; in counties of second class, eight cents; and a certificate, to be made by the recorder, of the recording a deed or other writing, and the date of recording the same signed by the clerk, shall be deemed sufficient evidence of the recording thereof, and for which, including indexing said instrument, there shall be charged a fee of twenty-five cents in all counties of first and second class.

For copies of records, the same fees as for recording.

For indexing each suit in court, in counties of the first class, fifteen cents; in counties of second class, ten cents.

For docketing judgment, in counties of first class, twenty cents; in counties of second class, fifteen cents.

For entering each tract in entry book of conveyance, in counties of first class, ten cents; in counties of second [class], five cents.

For recording every city, town or assessor's plat, each lot or tract of land included in said plat, in counties of first class, ten cents; in counties of second class, eight cents, when the number of lots does not exceed twenty, and for each additional lot, five cents.

For entering each tract of land or town lot named in any one deed above five, in the entry book, five cents in first and second class.

For swearing
in other cases,

§ 15. For swearing jurors and witnesses, or for any services in criminal cases not hereinbefore enumerated, the clerk shall be allowed the same fees as in civil cases; and in all criminal cases, when the cost cannot be collected from the defendants on their conviction, or when the defendants shall be acquitted, such costs shall be paid from the county treasury: *Provided*, that no such fees shall be paid to said clerk from the county treasury when the fees collected by him during such year shall equal the compensation or salary allowed him by the board of county commissioners or board of supervisors: *And, provided, further*, that no more of such fees shall, in any case, be paid from the county treasury than shall be sufficient, with the fees collected, to make the compensation or salary of said clerk.

LaSalle county.

§ 16. The recorder of deeds of LaSalle county shall be entitled to receive the same fees as are herein provided to be paid for similar services in counties of the second class.

FEES OF RECORDER OF DEEDS IN COUNTIES OF THIRD CLASS.

§ 17. For recording any deed or other instrument in writing, for every one hundred words, in counties of third class, six cents, and the sum of twenty-five cents for the certificate of the recorder of the time of filing the deed or instrument for record, and the book and page of the record thereof. Recorder of deeds in counties of third class.

For recording maps or plats of additions, divisions, subdivisions or otherwise, for each tract or lot contained therein, six cents, and twenty-five cents for certificate of the time of filing the same for record, and the book and page of the record thereof.

For copies of records, the same fees as for recording.

FEES OF THE CLERK OF THE COUNTY COURT—TO BE CHARGED TO AND COLLECTED FROM THE PROPER PERSONS AS COSTS.

§ 18. For taking proof of any will or testament, and indorsing certificate of probate thereon, including all services relating thereto, in counties of first class, fifty cents; in counties of second class, forty cents. Fees of clerk of county court.

For recording last will and testament, for every one hundred words, in counties of first class, twelve cents; in counties of second class, ten cents.

For issuing letters of administration, or letters testamentary, and affixing seal thereto, and recording same, in counties of first class, seventy-five cents; in counties of second class, fifty cents.

For taking bond of an executor or administrator, and administering oath, in counties of first class, sixty cents; in counties of second class, fifty cents.

For taking and filing renunciation of widow or next of kin, fifteen cents, in all counties of first and second class.

For taking proof of codicil when proven separately, and indorsing certificate of probate thereon, including all services relating thereto, in counties of first class, fifty cents; in counties of second class, forty cents.

For recording the same, for every one hundred words, in counties of first class, twelve cents; in counties of second class, ten cents.

For recording settlements of executors, administrators and guardians, for every one hundred words, figures included, in counties of first class, twelve cents; in counties of second class, ten cents.

For copy of settlement, with certificate and seal, for every one hundred words, in counties of first class, twelve cents; in counties of second class, ten cents.

For copies or exemplifications of copies and papers, for every one hundred words, in counties of first class, ten cents; in counties of second class, eight cents.

For official certificate and seal, other than on process, and for which no fee is allowed by law, in counties of first class, thirty-five cents; in counties of second class, thirty cents.

For each summons, citation, subpcena or other writ or process of court, and sealing the same, and for which no other fee is allowed, in counties of first class, thirty-five cents; in counties of second class, twenty-five cents.

For administering oath to each witness in court, five cents, in all counties of first and second class.

For swearing any person to an affidavit and filing the same, in counties of first class, fifteen cents; in counties of second class, ten cents.

For entering each judgment, order or decree; and counting the whole entry as one, in counties of first class, twenty-cents; in counties of second class, fifteen cents: *Provided*, that no charge shall be made for allowing claims against estates, except for swearing to and filing affidavit, unless the claim be litigated as other suits.

For docketing each claim against estates, ten cents in counties of first and second classes.

For issuing each execution, in counties of first class, forty cents; in counties of second class, thirty-five cents.

For docketing same, ten cents, in all counties of first and second class.

For entering sheriff's return on same, ten cents, in all counties of first and second class.

For making bill of costs and recording the same, being one charge, in counties of first class, twenty-five cents; in counties of second class, twenty cents.

For filing each paper belonging to the settlement of estates or suits pending, five cents, in all counties of first and second class.

For appraisement bills, sale bills, and all other exhibits and writings, except wills and codicils, when ordered to be recorded by the court, and not otherwise, for every one hundred words, in counties of first class, twelve cents; in counties of second class, ten cents.

For issuing and sealing letters of guardianship and recording same, in counties of first class, seventy-five cents; in counties of second class, fifty cents.

For taking bond of guardian, or for taking any bond not hereinbefore specified, and filing and recording the same, in counties of first class, sixty cents; in counties of second class, fifty cents.

For calling and swearing each jury, fifteen cents, in counties of first class, and ten cents in counties of second class.

For writing indenture, to be paid by master, fifty cents, in all counties of first and second class.

For each license and taking bond for ferry, toll bridge, turnpike road, tavern, grocery or peddler, one dollar, in counties of first and second class.

For issuing each marriage license, sealing, filing and recording the same, and the certificate thereto, one charge, in all counties of first and second class, one dollar.

Each copy of rates for ferry, toll-bridge or turnpike road, twenty-five cents, in all counties of first or second class.

For each writ of ad quod damnum, fifty cents, in all counties of first and second class.

For each dedimus, to prove will or otherwise, sixty cents.

For taking depositions and certifying to the same, for every one hundred words, in counties of first class, fifteen cents; in counties of second class, twelve cents.

For taking and certifying the acknowledgment of a deed, power of attorney or other writing, and sealing the same, twenty-five cents, in counties of first and second class.

For taking proof in cases of estrays, and granting certificate of the same, in counties of first class, twenty-five cents; in counties of second class, twenty cents.

For registering each certificate transmitted to him by a justice of the peace, in cases of estrays, ten cents, in counties of first and second class.

For advertisement in such cases, including the copy for newspaper publication, in counties of first class, fifty cents; in counties of second class, forty cents.

Trying and sealing weights and measures by county standard, fifty cents, in all counties of first and second class.

For keeping a regular account current with each and every administrator, executor, guardian or conservator, to be kept in a well-bound book furnished for that purpose, in counties of first and second class, fifty cents for each settlement.

For canceling tax sale and issuing and sealing certificate of redemption, twenty-five cents, in all counties of first and second class.

The following fees shall be audited and allowed by the county board, and paid from the county treasury :

For making transcript of taxable property for the assessor, two cents for each tract of land and town lot, in counties of first and second class.

For copying assessor's return of taxable property on collector's books, and extending valuation by assessor, and state and county boards of equalization, in separate columns, and computing and extending state and county tax thereon, for each tract of land (being one charge), each town lot, and each person's personal property, in counties of the first and second class, six cents.

For computing and extending school tax, and each other tax or special assessment, on each tract or town lot or valuation of personal property, for each extension, one cent, in counties of first and second class.

For examining and correcting the assessor's returns; for making abstracts of same for the board of supervisors and state auditor; for making abstracts of taxes levied on collector's books, and for auditor's office, and for computing the accounts of the county treasurer with the county, and making settlement with such treasurer, the county board or county court, as the case may be, shall allow such reasonable compensation as may be right and just for such services.

For entering the list of lands and town lots returned by the state auditor, on the tract book, for each tract, two cents, in all counties of the first and second class.

For filing each paper appertaining to the county business, (except assessor's duplicates of taxable property, for which no charge shall be made), five cents, in all counties of first and second class.

For attending the sessions of the county board, or county court, the sum of three dollars per day for such attendance.

For recording proceedings of the board of supervisors or county court in county business, or making copies of such proceedings, for every one hundred words, in counties of first class, twelve cents; in counties of second class, ten cents.

For recording miscellaneous instruments and papers required by law to be recorded in the county records, and for making copies of such records, or of papers of file, for each one hundred words, in counties of first class, twelve cents; in counties of second class, ten cents.

For issuing each certificate of appointment to road supervisors, in counties of the first and second class, twenty-five cents.

Election returns

There shall be no fees allowed to county clerks for making election returns, abstracts of election, or for other business connected with the administration of the county, not otherwise provided for in this act; but the county board or county court, as the case may be, shall allow for such services an ex-officio fee, not exceeding one hundred dollars per annum: *Provided, however,* that whenever the county clerk shall be required to perform similar service to those required of circuit clerks, and no fee is specially provided for such service, they shall be allowed for such service the same fees as herein allowed to circuit clerks.

Sale of land for taxes.

The following fees shall be allowed for services attending the sale of land for taxes, and shall be charged as costs against the delinquent property and be collected with the taxes thereon:

For making lists of delinquent lands and town lots for judgments, for each tract and town lot, three cents, in all counties of first and second class.

For making list of delinquent lands and town lots on precept and sale, and redemption records, for each tract, three cents, and each town lot, two cents, including every service therein.

For services in attending the tax sale and issuing certificates of sale, and sealing the same, for each tract or town lot sold, twenty-five cents, in all counties of first and second class.

For making list of delinquent lands and town lots sold, to be filed with state auditor, three cents for each tract of land, and two cents for each town lot.

SHERIFFS' FEES.

§ 19. For serving a writ or summons on each defendant, Sheriffs' fees. in counties of first class, seventy-five cents; in counties of second class, sixty-five cents; in third class, fifty cents.

For serving chancery summons and copy, or writ of injunction and copy, in counties of first class, one dollar; second class, seventy-five cents; third class, fifty cents.

For taking special bail, twenty-five cents in each county.

For serving a subpoena on each witness, in counties of first class, fifty cents; second and third class, thirty-five cents.

For advertising property for sale, seventy-five cents in all counties.

For returning each writ or other process, ten cents in all counties. Mileage, for each mile of necessary travel to serve any such writ or process as aforesaid, calculating from the place of holding the court to the place of residence of the defendant or witness, five cents each way.

For summoning each juror, in counties of first class, fifty cents; second class, thirty cents; third class, twenty cents, with five cents mileage each way in all counties.

For serving notice of executions, or levying an execution or serving attachment, in counties of first class, seventy-five cents; in second class, sixty-five cents; in third class, fifty cents, and mileage five cents each way in all counties.

For taking possession of or removing property levied on, the officer shall be allowed to tax the actual costs of such possession or removal.

For serving and returning a scire facias to revive a judgment, foreclose a mortgage, or against bail, in counties of first class, seventy-five cents; in second class, sixty-five cents; in third class, fifty cents.

For committing each prisoner to jail, in counties of first class, fifty cents; second class, fifty cents; third class, thirty cents.

For discharging each prisoner from jail, in counties of first and second class, fifty cents; third class, thirty cents.

For dieting each prisoner, such compensation to cover the actual costs as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.

For attending before a judge with a prisoner, on a writ of habeas corpus in counties of first and second class, two dollars and fifty cents per day; third class, two dollars per day.

For each mile of necessary travel in taking such prisoner before the judge as aforesaid, five cents each way.

For serving a writ of possession, with the aid of posse commitatus, two dollars in all counties.

For serving same, without such aid, one dollar in all counties, mileage in either case for each mile of necessary travel, five cents each way.

For executing a writ of ad quod damnum, attending the inquest and returning the writ with the verdict of the jury, two dollars in all counties.

For attending the circuit and county courts, to be allowed and paid out of the county treasury, three dollars per day, and two dollar per day when attending county court, sitting for probate business, at request of the judge, the time to be certified to by the judge.

For executing and acknowledging a deed on sale of real estate, in counties of first class, one dollar and fifty cents; second class, one dollar and twenty-five cents; third class, one dollar.

For making certificate of sale, and making and filing duplicate, in counties of first class, for each, sixty cents; second class, fifty cents; third class, forty cents.

For making certificate of redemption, seventy-five cents in all counties.

For certificate of levy and filing, fifty cents in all counties, and the fee for recording shall be advanced by plaintiff in execution and charged up as costs.

For taking all bonds on legal process, in counties of first class, seventy cents; second class, sixty-five cents; third class, fifty cents.

For executing capias in criminal cause, where the offense is infamous, in counties of first and second class, three dollars; third class, one dollar, and mileage for each mile of necessary travel, five cents each way.

For executing capias where offense is not infamous, in counties of first class, seventy-five cents; second class, sixty-five cents; third class, fifty cents. Mileage for each mile of necessary travel, five cents each way.

For executing requisitions from other states, the same compensation as in executing capias in criminal causes, when the offense is infamous.

For conveying each prisoner from his own county to the jail of a foreign county, per mile, for going only, twenty-five cents.

For committing each prisoner to jail under the laws of the United States, to be paid by the marshal or other person requiring his confinement, fifty cents in all counties.

For dieting such prisoner, per day, in counties of the first class, seventy-five cents; in second class, sixty-five cents; in third class, forty-five cents, to be paid by the marshal or other persons requiring his confinement.

For discharging such prisoner, in counties of first and second class, fifty cents; in third class, thirty cents.

For carrying convicts to the penitentiary or the reform school, from any county, the following fees, payable out of the state treasury, viz: Where only one convict is conveyed, at and after the rate of twenty-five cents for each and every mile necessarily traveled in going to the penitentiary or the reform school, from the place of conviction. Where two convicts are conveyed by the said sheriff at the same time, he shall receive at and after the rate of twenty-five cents per mile for the first, and fifteen cents per mile for the second convict. Where more than two are conveyed at the same time to the penitentiary or the reform school as aforesaid, he shall be allowed twenty-five cents per mile for the first, fifteen cents per mile for the second, and ten cents per mile for each of the residue.

For conveying any person to or from any of the charitable institutions of this state, when properly committed by some competent authority, twenty-five cents per mile.

For conveying a convict from the penitentiary to the county jail, when required by law, thirty cents per mile.

For attending supreme court, per day, three dollars.

In addition to the above fees, there shall be allowed to the several sheriffs in this state a commission of three per centuin on all sales of real and personal estate which shall be made by virtue of any execution, or any decree of a court of chancery, where the money arising from such sales shall not exceed two hundred dollars; but in all cases where the amount of such sale shall exceed that sum, then one and one-half per cent. commission on the excess only shall be allowed: *Provided*, that in all cases where the execution shall be settled by the parties, replevied, stopped by injunction or paid, or where the property levied upon shall not be actually sold, the sheriff shall be allowed his fee for levying and mileage, together with half the commission on all money collected by him which he would be entitled to if the same was made by sale on execution; and no other fees or compensation whatever shall be allowed on any execution, except the necessary expenses for keeping personal property, to be ascertained and allowed by the court out of which the same shall be issued. In all criminal cases where the defendant shall be acquitted or otherwise legally discharged, without payment of costs, the sheriff shall be paid such fees from the county treasury: *Provided*, that no such

Commission on
sales of land.

fees shall be paid to the sheriff from the county treasury when the fees collected by him during such year shall equal the compensation or salary allowed him by the county board: *And, provided, further*, that no more of such fees shall in any case be paid from the county treasury than shall be sufficient, with the fees collected, to make the salary or compensation of said sheriff. In all cases where any of the sheriffs of this state shall be required by law to execute any sentence of punishment other than imprisonment, for which no fee is allowed by this act, it shall be the duty of the county board of the proper county to allow a reasonable compensation for the same, to be paid out of the county treasury, not exceeding one hundred dollars. It shall be the duty of each sheriff entitled to mileage under this act, to indorse on each writ, summons, subpoena or other process that he may execute, the distance he may travel to execute the same, ascertaining the distance and the charge properly allowable therefor, in conformity with the foregoing regulations.

MASTERS IN CHANCERY.

Fees of masters in chancery.

§ 20. For administering oaths and signing jurat, when not taking evidence or depositions, ten cents.

For taking acknowledgment or proof of any deed or other written instrument, twenty-five cents.

For taking depositions and certifying, for every one hundred words, fifteen cents.

For taking and reporting testimony under order of court, the same fee as for taking depositions.

For computing the amount due, on which to render a decree, and making report thereof to the court, where no oral evidence is taken, two dollars.

For examining questions of law and fact in issue by the pleadings, and reporting conclusions of law and fact whenever specially ordered by the court, a sum not exceeding ten dollars.

For making sales and deeds thereon, the same fees and allowance as sheriffs; but in no suit or other proceeding shall such fee and commission exceed two hundred dollars; for making a deed alone, in other cases, when required by order or decree of court, three dollars.

For report of sale in every suit or proceeding when a sale is had, two dollars.

For hearing and deciding application for writs of ne exeat or injunction, to be advanced by the complainant, and taxed with the costs, five dollars.

For ordering or refusing to order a writ of habeas corpus or certiorari, one dollar.

And no other fee or allowance whatever shall be made for services by masters in chancery.

FEES OF COUNTY COLLECTORS.

§ 21. County collectors shall be allowed a commission on all money collected by them and paid over to the proper officer, of three (3) per cent. in counties of the first class; of two (2) per cent. in counties of the second class; of one and one-half ($1\frac{1}{2}$) per cent. in counties of the third class; *Provided*, that in counties having adopted township organization county collectors shall be allowed on moneys paid over to them by township collectors, as commission on such moneys, in counties of first class, only one and one-half ($1\frac{1}{2}$) per cent; in counties of second class, only one (1) per cent; and in counties of third class, only three-fourths ($\frac{3}{4}$) of one per cent. In addition to the foregoing, said collectors shall be allowed in their settlement of state taxes with the auditor, ten cents per mile for each mile of necessary travel in going to and returning from the seat of government, for the purpose of paying over such tax.

Fees of county collectors.

Mileage.

They shall also be allowed for making lists of delinquent real estate, to be filed with the county clerk for judgment, three cents for each tract or lot; a like fee for making delinquent lists for the printer; and for selling lands and town lots, ten (10) cents for each tract, and three (3) cents for each lot, to be charged and collected as costs.

Delinquent Lists

§ 22. For printer, for advertising delinquent lists, in all counties, for each tract of land, twenty cents; for each town lot, ten cents, to be taxed and collected as costs.

Printers' fees.

No costs except printer's fee shall be charged on any lands or lots forfeited to the state.

FEES OF COUNTY TREASURERS.

§ 23. County treasurers shall be allowed, in counties of the first and second classes, one per cent. for receiving and one per cent. for paying out all moneys, county orders and jury certificates received and paid out by them, in counties of the third class, one-half of one per cent. for receiving and one-half of one per cent. for paying out; but in no county shall such treasurer be allowed any compensation for paying over to a successor, or receiving money from a predecessor: *Provided*, that in counties having adopted township organization no county treasurer shall receive any fees for receiving moneys as county treasurer, for which he has received a fee as county collector, as provided in section twenty of this act.

Fees of county treasurers.

For each day actually employed in making assessment, in counties not under township organization, three dollars and fifty cents.

FEES OF COUNTY SURVEYORS.

Fees of county
surveyors.

§ 24. For all official services, six (6) dollars per day for each day necessarily employed ; and in testing scales a reasonable sum for transportation, from and to the county seat, of the necessary apparatus for making the test, when requested by the owner.

§ 25. All chain-men, ax-men and other necessary assistants, shall be furnished by the person for whom the surveying is done.

CORONERS' FEES.

Coroner's fees.

§ 26. For holding an inquest over a dead body, when required by law, in counties of first and second class, ten dollars; in counties of third class, five dollars.

For summoning the jury, one dollar, in all counties.

For burial expenses, in counties of first class, fifteen dollars; in counties of second class, twelve dollars; in counties of third class, ten dollars.

All of which fees shall be certified by the court, and paid out of the treasury when the same cannot be collected out of the estate of the deceased.

And whenever the coroner shall be required by law to perform any of the duties appertaining to the office of sheriff, he shall be entitled to the like fees and compensation as shall be at the time being allowed by law to the sheriff for the performance of similar services.

FEES OF COUNTY SUPERINTENDENTS OF SCHOOLS.

Fees.

§ 27. The fees of county superintendents of schools shall be as follows: three per cent. commissions upon the amount of sales of school lands, or of sales of land upon mortgage, or sales of real estate taken for debt, including all services connected therewith.

Two per cent. commission upon all sums distributed, paid or loaned out by them for the support of schools.

Per diem.

For all other duties required by law to be performed by them, for such number of days as may be designated by the county board, in counties of first and second class, the sum of four dollars per day; in counties of the third class, the county superintendent of schools shall be paid eight dollars per day: *Provided*, that the entire compensation received by him shall not exceed the sum of three thousand dollars per annum.

FEES OF NOTARIES PUBLIC.

Fees of notaries
public.

§ 28. For taking acknowledgment of a deed, mortgage, power of attorney, or other writing, with certificate under seal, twenty-five cents.

For noting a bond or promissory note, or bill of exchange for protest, twenty-five cents.

For protesting bond or bill of exchange, seventy-five cents.

For noting protest, twenty-five cents.

For noting marine protest and furnishing one copy thereof, one dollar.

For extending marine protest and furnishing one copy thereof, four dollars; for each additional copy furnished, one dollar.

For giving notice to drawees and indorsers, twenty-five cents each.

For any other certificate, under seal, twenty-five (25) cents.

For administering oath to an affiant, twenty-five cents.

For taking depositions, for each one hundred words, in counties of first and second classes, fifteen cents; and in counties of the third class, ten cents.

FEES OF ARBITRATORS.

§ 29. For every day necessarily employed as arbitrator, where the award is to be made the judgment of a court of record, two dollars. Fees of arbitrators.

For every arbitrator or referee, for each day necessarily employed in making up award in cases before justices of the peace, two dollars, to be paid in first instance by the party in whose favor the award is made, but to be recovered off of the other party with the other costs of the suit.

FEES OF COMMISSIONERS.

§ 30. Each commissioner appointed to make partition of real estate, or to assign dower, except county surveyors, shall receive two dollars per day for each day necessarily employed as such commissioner, to be taxed as costs in the suit, and commissioners to make sales in such cases shall be allowed the same fees as masters in chancery. Fees of commissioners.

THE SALARIES OF THE CLERKS OF ALL THE COURTS OF RECORD, THE TREASURER, SHERIFF, CORONER AND RECORDER OF DEEDS OF COOK COUNTY.

§ 31. The clerks of all the courts of record, the treasurer, sheriff, coroner, and recorder of deeds of Cook county, elected after the adoption of the present constitution of this state, shall receive, as their only compensation for their services, the following named salaries, to be paid out of the fees of their respective offices actually collected, to-wit: Salaries of county officers of Cook county.

The clerk of the county court, the sum of three thousand dollars per annum.

The clerk of the circuit court, the sum of three thousand dollars per annum.

The clerk of the superior court, the sum of three thousand dollars per annum.

The clerk of the criminal court, the sum of three thousand dollars per annum.

The county treasurer, the sum of four thousand dollars per annum.

The sheriff, the sum of six thousand dollars per annum.

The coroner, the sum of three thousand dollars per annum.

The recorder of deeds of Cook county, the sum of three thousand dollars per annum.

To keep account of fees and emoluments received.

The clerk of the superior court of Cook county, and the county clerk, the clerk of the circuit court, the county treasurer, the sheriff, coroner and recorder of deeds of Cook county, shall, from the time when their (salaries or) salary begins as herein provided, each of them, in a book provided for the purpose, keep a full, true and minute account of all the fees and emoluments of his office, designating, in corresponding columns, the amount of all fees and emoluments earned and all payments received on account thereof, and shall also keep an account of all expenditures made by him on account of clerk hire, stationery and other necessary expenses; such accounts shall always be open to the inspection of the board of commissioners. Every such officer, respectively, shall, on the first day of June and the first day of December in each year, during the term of his office and while receiving a salary as herein provided, make to the chairman of the board of commissioners a report in writing, under oath, of all the fees and emoluments of his office, of every name and description whatsoever, and of all necessary expenses for clerk hire, stationery, and other expenses for the half year, or fraction thereof, ending at the time of said report; such report shall state fully the manner in which such fees and emoluments accrued. It shall be the duty of said board of commissioners to audit such accounts, as soon as may be, and correct and adjust the same in accordance with the facts. The balance found in the hands of any such officer (except the county treasurer), over and above the amount due such officer as compensation for services, stationery, clerk hire and other necessary expenses, as hereinbefore set forth, shall be paid over by such officer to the county treasurer, as soon as his account shall have been audited, as aforesaid; and in the case of the county treasurer, the balance found in his hands shall be accounted for and paid out upon the order of the county board; and if in the county of Cook, upon auditing of such accounts, there shall be found any balance due to the county of Cook from the county treasurer, the county of Cook shall account for and pay over to the city of Chicago its just proportion of the same. Deputy and assistant clerks shall be employed

Deputy and assistant clerks.

under the direction of the board of commissioners for said county, and shall be paid a salary, to be fixed by said board : *Provided*, that until the employment of such deputy or assistant clerk shall be authorized and his compensation fixed, as aforesaid, a reasonable allowance may be made for any clerk, deputy, or assistant necessarily employed by such officer.

FEES OF THE CLERK OF THE CRIMINAL COURT OF COOK COUNTY.

§ 32. The fees of the clerk of the criminal court of Cook county, from and after the time this act takes effect, shall be the same as the fees provided for in this act for the clerks of circuit courts in criminal matters in counties of the second class ; and the said clerk shall keep an account of his fees, and report in the same manner as is herein required of the other clerks of courts of record in Cook county. And all the provisions of this act regarding the payment to clerks of the circuit courts out of the county treasury, of any deficit arising from the non collection of any fees, shall be in force and apply to the fees and duties of the clerk of the criminal court of Cook county.

Clerk of Cook
county criminal
court.

FEES AND COMPENSATION OF CLERKS OF COURTS OF RECORD, EXCEPT IN PROBATE MATTERS, IN COUNTIES OF THE THIRD CLASS.

§ 33. At the time of the commencement of every suit at law or in equity, in any court of record, in counties having a population exceeding seventy thousand inhabitants, in this state, the party or parties commencing such suit, or in case of an appeal from an inferior court, the party or parties, appellant or appellants, or in case of an application for judgment upon any special assessment or special tax levied by any incorporated town or city, such town or city shall pay to the clerk of the court the sum of six dollars, to be taxed as costs in the suit, which said sum shall be in full payment for all services of such clerk on behalf of the plaintiff or plaintiffs, complainant or complainants, petitioner or petitioners, appellant or appellants, in the progress of such suit from the commencement to the final termination thereof, except the making of copies of papers or orders, a complete record, or a record for a higher court. And in case of any application for judgment for city, county, state, town or other general taxes, there shall be paid to the clerk by the corporation so applying for judgment, the sum of three cents for each and every tract of land upon which judgment shall be rendered by the court, which said sum shall be in full payment for all services to be performed by such clerk in the progress of such suit, upon such application, from its commencement to the final termination

Clerks of court
of record—third
class.

thereof. And the defendant or defendants, respondent or respondents, appellee or appellees, before he, she or they shall be entitled to enter his, her or their appearance, or file any pleas, answer or demurrer in any suit at law or in equity, shall pay to the clerk of the court the sum of one dollar and fifty cents, to be taxed as costs in the suit, which in like manner shall be in full payment of and for all services rendered or to be rendered by the clerk, for or on behalf of the defendant or defendants, respondent or respondents, appellee or appellees in or during the progress of such suit to the final termination thereof, except for the making of copies of papers or records, a complete record, or a record for a higher court. Clerks of courts of record in this state, and in counties of the third class, shall be allowed further fees, as follows:

For taking and certifying the acknowledgment of a deed or other writing, twenty five cents.

For swearing any person to an affidavit not to be used in a case in the court of which he is a clerk, with certificate and seal, twenty-five cents.

For each certificate and seal, not in a case in the court whereof he is clerk, twenty-five cents.

For making and certifying a copy of any paper or record in any case or proceeding, and for taking depositions, for every one hundred words, ten cents.

For filing declaration of intention to become a citizen, administering oath to applicant and certifying declaration under seal, fifty cents.

For filing papers, on application for naturalization; for administering oaths to party and witnesses, for making entry of record of naturalization, and for making and certifying copy of same under seal of court, fifty cents.

FEES AND COMPENSATION OF CLERKS OF COUNTY COURTS, IN PROBATE MATTERS, IN COUNTIES OF THE THIRD CLASS.

Clerks of county courts in probate matters.

§ 34. For taking proof of last will and testament, or codicil, when proved separately, and indorsing certificate of probate thereon, including all services relating thereto, thirty-five cents.

For recording last will and testament, or codicil, for every one hundred words, eight cents.

For issuing and sealing letters of administration or letters testamentary, or of guardianship, and recording the same, seventy-five cents.

For taking bond of executor or administrator, administering oath of office and recording bond, fifty cents.

For taking and filing renunciation of widow or next of kin, five cents.

For entering each judgment, order or decree, or settlement of executor, administrator, guardian or conservator, for every one hundred words, eight cents.

For entering orders allowing claims against estates, counting the whole entry as one, twenty cents: *Provided*, no charge shall be made for allowing claims against estates, except for swearing to and filing affidavit, unless the claim is litigated as other suits.

For entering appraisement bills, sale bills, and all other exhibits and writings (except wills and codicils) when ordered to be recorded, and not otherwise, for every one hundred words, eight cents.

For certified copies or exemplifications of records, papers and settlements, for every one hundred words, eight cents.

For certified copies, with seal of court, of letters of administration, or testamentary, or of guardianship, fifty cents.

For keeping a regular account current with executor, administrator, guardian or conservator, to be kept in a well bound book and preserved, on each settlement, fifty cents.

§ 35. Any county officer herein above named, failing or refusing to pay over to the county treasurer the fees of the office, as provided in this act, or who knowingly demands or receives other or greater fees than those herein provided for, shall be deemed guilty of a high misdemeanor, and on conviction, be fined in a sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one (1) year, and shall be removed from office by the judge before whom the conviction is had.

Failure to pay
over fees.

FEES AND COMPENSATION OF TOWN OFFICERS.

§ 36. The following named town officers shall be entitled to compensation at the following rates, for each day necessarily devoted by them to the services of the town, in the duties of their respective offices:

Compensation
of town officers.

The town clerk, supervisor, and overseer of the poor, shall receive for their services two dollars per day, when attending to town business out of town; one dollar for town business in their town: *Provided*, that the town clerk shall receive fees for the following, and not a per diem:

For serving notices of election upon town officers, as Fees.
required by law, twenty-five cents each; for filing any paper, required by law to be filed in his office, five cents each. For posting up notices, required by law, twenty-five cents each; for recording any order or instruments of writing, authorized by law, six cents for each one hundred words; for copying any record in his office, and certifying to the same, six cents for every one hundred words, to be paid by the person applying for the same; for copying by-laws for posting or publication, six cents each one hundred words, to be paid for by the town. The town assessor shall receive for his services as assessor, two dollars and fifty cents per day: *Provided*, that in towns of fifty thousand in-

habitants and upwards, in counties of the third class, the assessor shall receive five dollars per day.

Pound master.

The pound master shall be allowed the following fees for his services, to-wit :

For taking into the pound and discharging therefrom every horse, ass or mule, and all neat cattle, ten cents each ; for every sheep or lamb, three cents each ; and for every hog, large or small, five cents (each.)

Town auditor.

The officers composing the board of appointment in case of vacancy, when they shall meet for that purpose, and the officers composing the board of town auditors, shall each be entitled to one dollar a day for their services.

Collectors.

No justice of the peace or town officer shall be entitled to any fee or compensation, from any individual elected or chosen to a town office, for administering to him the oath of office. Each town or district collector shall be allowed a commission of two per cent. on all moneys collected by him, to be paid out of the respective funds collected: *Provided*, that in any case where the compensation so allowed shall be insufficient, the town or county board may allow an additional compensation or per diem in lieu of other or greater commissions, in which case said additional compensation shall be paid out of the town or county treasury, as the case may require: *And, provided, further*, that all excess of commissions and fees over fifteen hundred dollars shall be paid into the town or district treasury.

COUNTY COMMISSIONERS AND MEMBERS OF COUNTY BOARDS, IN COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.

County boards.

§ 37. County commissioners and members of county boards, in counties not under township organization, while transacting county affairs, shall severally be allowed three dollars per day for the time necessarily and actually employed in the discharge of their duties, and five cents a mile for all necessary travel, and no other allowance, directly or indirectly, for any purpose whatever. All to be paid out of the county treasury.

Collectors in cities and towns

§ 38. Collectors in cities or incorporated towns, in counties of the first and second classes, shall receive such fees as may be prescribed by the common council or board of trustees of their respective cities or incorporated towns, not exceeding in any case two per cent. of the amount collected by them.

FEES OF THE BOARD OF SUPERVISORS.

Board of supervisors.

§ 39. The members of the board of supervisors and the board of commissioners of Cook county, shall each receive the sum of two dollars and fifty cents per day, for the time actually and necessarily engaged in the discharge of his

duties as a member of such board of supervisors, to be paid on the order of the board out of the county treasury, and mileage, five cents each way, for necessary travel, and no other allowance or emolument, directly or indirectly, for any purposes whatever.

FEES OF JUSTICES OF THE PEACE AND POLICE MAGISTRATES IN COUNTIES OF THE FIRST, SECOND AND THIRD CLASSES.

§.40. For taking and certifying acknowledgment of a deed, mortgage, power of attorney or other writing, twenty-five cents. Fees of justices and police magistrates.

For acknowledgment of chattel mortgage, thirty-five cents, and fifteen cents for each folio over one hundred words for docketing the same.

For administering oath to affidavit, when drawn by justice, thirty-five cents.

For administering oath to affidavit, when not drawn by justice, ten cents.

For taking each bond, thirty-five cents.

For taking bail, fifty cents.

For each certificate required to be made, when not part of any other act, thirty-five cents.

For taking each complaint in writing, under oath, thirty-five cents.

For docketing each suit, twenty-five cents.

For taking deposition, for each one hundred words, fifteen cents.

For issuing dedimus to take deposition of witness, fifty cents.

For entering verdict of jury, fifteen cents.

For entering judgments, twenty-five cents.

For issuing each execution, twenty-five cents.

For entering continuance, or any other order in the case, fifteen cents.

For entering each appeal, twenty-five cents.

For entering satisfaction of judgment, ten cents.

For entering the award of referees, fifty cents.

For administering oaths and trial, making all entries in cases of estray, and making and transmitting a certificate thereof to the county clerk, one dollar.

For each marriage ceremony performed and certificate thereof, two dollars.

For each mittimus, thirty-five cents.

For giving each notice, twenty-five cents.

For administering oath, five cents.

For each summons or warrant, twenty-five cents.

For each subpoena, twenty-five cents.

For each venire, in all cases, twenty-five cents.

For each scire facias, thirty-five cents.

For issuing each attachment or writ of possession, fifty cents.

For taking recognizances and returning the same, fifty cents.

For transcript in change of venue, fifty cents.

For transcript of judgment and proceedings in cases of appeal, fifty cents.

For transcript of judgment to obtain lien on real estate, one dollar.

For the trial of all contested cases of forcible entry, forcible entry and detainer, and trial of right of property, a per diem of one dollar.

In all counties of the first and second class, the fees of justices of the peace, police magistrates, constables, jurors and witnesses in criminal cases, shall be the same as those allowed for similar services in civil cases; and in all criminal cases, where the fees cannot be collected of the party convicted, or where the prosecution fails, the county board may, in its discretion, direct that the costs of the prosecution, or so much thereof as shall seem just and equitable, shall be paid out of the county treasury: *Provided*, that the costs in criminal and quasi criminal prosecutions for the violation of an ordinance of an incorporated city or town may be paid by such city or town, in the discretion of the city council or board of trustees of such incorporated cities or towns.

FEES OF CONSTABLES IN COUNTIES OF FIRST AND SECOND CLASSES.

Fees of constables—first and third classes.

§ 41 For advertising property for sale, fifty cents.

For attending trial and waiting on a jury, fifty cents.

For each day's attendance in the circuit court, when required, to be paid out of the county treasury, two dollars and fifty cents.

For taking and approving replevin bond, fifty cents.

For taking and approving forthcoming bond or special bail, fifty cents.

Commission on sales not exceeding ten dollars, ten per cent., and on the excess of that amount, five per cent.; when paid without sale, no commission to be paid to them.

Constables shall be allowed reasonable charges, to be fixed by the justice, for removing and taking care of property levied on by them.

For mileage when serving a warrant, summons, subpoena, or other process, five cents per mile each way from the office of the justice to the residence of each person served.

For mileage in taking a prisoner to jail from the office of the justice, ten cents per mile.

For serving and returning a summons, thirty-five cents; warrant for each person served, fifty cents.

For serving and returning a writ of replevin or attachment, for each person served, fifty cents.

For serving a subpoena, for each person served, twenty-five cents.

For serving venire, fifty cents.

For serving writ of restitution in cases of forcible entry and detainer, one dollar, and necessary expenses of assistants, to be determined by the justice.

For serving and returning each execution, fifty cents.

For serving a mittimus, fifty cents.

For serving a warrant on appraisers in cases of estrays, twenty-five cents.

FEES OF CONSTABLES IN COUNTIES OF THE THIRD CLASS.

§ 42. The fees of constables, for any service to be rendered by them, shall be as follows :

Fees of constables — second class.

For advertising property for sale, fifty cents.

For attending trial and waiting on a jury, fifty cents.

For each day's attendance in the circuit court, when required, to be paid out of the county treasury, three dollars.

For taking and approving replevy bond, fifty cents.

For taking and approving forthcoming bond or special bail, twenty-five cents.

Commission on sales not exceeding ten dollars, ten per cent., and on the excess of that amount, five per cent.; when paid without sale, no commission to be paid them.

Constables shall be allowed reasonable charges, to be fixed by the justice, for removing and taking care of property levied on by them.

For mileage when serving a warrant, summons, subpoena or other process, five cents per mile each way from the office of the justice to the place of service.

For mileage in taking a prisoner to jail from the office of the justice, ten cents per mile, to be paid by the county, except in cases of offenses arising under the ordinances of incorporated cities, towns and villages, in which case they shall be paid by the city, town or village.

For serving and returning a summons or warrant, for each person served, fifty cents.

For serving and returning a writ, or replevin, or attachment, for each person served, fifty cents.

For serving a subpoena, for each person served, twenty-five cents.

For serving venire or jury warrant, fifty cents.

For serving writ of restitution in cases of forcible entry and detainer, one dollar, and necessary expenses of assistants, to be determined by the justice.

For serving and returning each execution, fifty cents.

For serving a mittimus, fifty cents.

For serving warrant on appraisers in cases of estrays, twenty-five cents.

Receipts for fees

§ 43. Every person paying fees or costs to any justice of the peace, police magistrate or constable shall have the right to ask and receive from such officer a receipt in writing therefor, which receipt shall be signed by him, and shall state distinctly in items each charge for services and costs, and no such officer shall be entitled to collect any such fees without first tendering such receipt.

FEES OF JURORS—IN COURTS OF RECORD.

Jurors in courts
of record.

§ 44. There shall be allowed and paid to grand and petit jurors, for their services in attending courts of record, the sum of one dollar and fifty cents per day for every day of necessary attendance at such courts as such jurors, and also five cents per mile each way for necessary travel, to be paid out of the county treasury. Whenever any person shall be summoned as talesman to attend any court as a petit juror, and shall be detained as such longer than one day, such person so summoned shall be allowed mileage from the place of holding courts to the residence of such juror, in the same manner as though such person had been originally selected and summoned. When a jury shall be called in any case in the county court sitting for probate business, and not being on the panel for the term, there shall be allowed to each juror the sum of fifty cents, to be taxed as costs in the case. The clerk of the court shall furnish to each of the jurors aforesaid (and without fee) whenever he shall be discharged from further service by the court, at any term thereof, a certificate of the number of days he may have attended at such term, and upon presentation thereof to the county treasurer, he shall pay to such person the sum above provided for his serving. That jurors in courts of record, in counties of the third class, shall receive only for their services, ten cents per mile, actual travel, going and coming to place of holding court.]

INQUEST.

Jurors before
justices.

§ 45. The fee of each juror attending an inquest held over a dead body, shall be one dollar per day, payable out of the county treasury.

BEFORE JUSTICES OF THE PEACE.

Witness' fees.

§ 46. There shall be allowed to each juror in a civil case before a justice of the peace, other than in cases for the condemnation of private property for public use, in counties of the first and second class, fifty cents; in third class,

fifty cents; such fee to be paid in advance by the party calling the jury, and charged as costs in the cause.

In cases for the condemnation of private property for public use, before justices of the peace, the jurors shall receive the sum of one dollar per day each, to be taxed as costs in the cause.

FEES OF WITNESSES.

§ 47. Every witness attending in his own county upon trials in the court of record, shall be entitled to receive the sum of one dollar for each day's attendance, and five cents per mile each way for necessary travel. Witnesses' fees

For attending in a foreign county, going and returning, accounting twenty miles for each day's travel, per day, one dollar.

Every witness, when attending for the purpose of having his deposition taken, one dollar per day: *Provided*, that no allowance or charge shall be made for the attendance of witnesses aforesaid, unless the witness shall make affidavit of the number of days he or she actually attended, and that such attendance was at the instance of one or both of the parties or his attorney.

In criminal cases, where a witness shall be required to attend from a foreign county or state, he shall be allowed his necessary railroad fare and fifty cents per day during each day's necessary travel in going to and returning from the court, and one dollar per day for each day's necessary attendance, to be paid out of the county treasury of the county where the crime was committed, on the certificate of the clerk of the court: *Provided*, he shall make affidavit of the number of days necessarily spent in traveling, and of the amount of necessary railroad fare, and that such attendance was at the instance of the state's attorney or the accused, to which shall be added the certificate of the judge of the court, that the amount is reasonable and that such witness was a necessary witness in the cause.

BEFORE JUSTICES OF THE PEACE.

§ 48. Each witness before a justice of the peace, shall receive the sum of fifty cents per day, if claimed at the trial, to be taxed as costs in the cause; but if more than two witnesses shall be sworn in any case to testify to the same facts on the same side, the party requiring such extra witness shall be at the whole expense of procuring the same. Witnesses before justices of the peace.

IN PROBATE MATTERS.

§ 49. Each witness before the county court sitting for probate business, shall receive one dollar for each day, if claimed at the trial, to be taxed as costs in the cause. In probate matters.

BEFORE ARBITRATORS.

Witnesses before arbitrators.

§ 50. Each witness before arbitrators or referees shall receive, when the award is to be made the judgment of a court of record, one dollar per day, and when the award is to be made the judgment of a justice of the peace, fifty cents per day, to be taxed as costs in the cause.

Officers to keep account of fees.

§ 51. Every county officer hereinbefore mentioned, who shall be paid, in whole or in part, by fees, shall, in a book to be kept for that purpose, commencing on the first day of July, in the year of our Lord eighteen hundred and seventy-two, keep a full, true and minute account of all the fees and emoluments of his office, designating in corresponding columns the amount of all fees and emoluments earned and all payments received on account thereof, and showing the name of each person, or persons, paying fees, and the amount received from each person, and shall also keep an account of all expenditures made by him on account of clerk hire, stationery, fuel and other expenses—for keeping which book no fee shall be allowed such officer. Every such officer who shall be paid in whole or in part by fees, shall, on the first day of December, in the year of our Lord eighteen hundred and seventy-two, and on the first day of each June and December following, make to the chairman of the county board of supervisors in counties under township organization, and to the county judge in other counties, until the county board shall be elected therein, and thereafter to said county board in such counties, a return in writing of all the fees and emoluments of his office, of every name and character, which said report shall show the name of each person paying fees, and the amount paid by each person, and all necessary expenses for clerk hire, stationery, fuel and other expenses for the half year ending at the time of such report, or the portion thereof during which he shall have been entitled to receive the fees herein provided for, together with the amount of his salary to the time of making such report. Such report shall designate the service for which the fee or emolument shall have been charged or received, in such manner that the same may be identified and compared with the account thereof upon the books of such officer, and shall show in corresponding columns the amount earned and the amount received. When the charge or receipt shall be for services in any cause in court, it shall be sufficient to give the title and number of the case and the gross charge and receipt in such case. Said county board or county judge, as the case may be, shall carefully audit and examine every such report, and ascertain the exact balance of such fees held by such officer after such expenses, as said board may approve and allow, and such salary shall have been deducted from the gross amount shown by such

report to have been paid into or collected by such officer, and shall order that such officer shall pay over such balance to the county treasurer, whose receipt therefor shall be evidence of the settlement by such officer of such report. Every such report shall be signed and verified by the affidavit of the officer making the same, which affidavit shall be substantially of the following form :

STATE OF ILLINOIS, }
 County. } ss.

I,, do solemnly swear that the foregoing account is, in all respects, just and true, according to my best knowledge and belief; and that I have neither received, directly or indirectly, nor directly or indirectly agreed to receive or be paid, for my own or another's benefit, any other money, articles or consideration than therein stated; nor am I entitled to any fee or emolument for the period therein mentioned, other than those therein specified.

Signed and sworn to before me, this day of, 18..

The officer making such return shall, in no case, include in his report any charge previously reported, but shall make a separate report of all fees and emoluments which shall have been previously returned, "not received," and which shall have been paid during the half year previous to making any report, designating them as in other cases, and indicating in what half year the same were earned. Any such officer failing or refusing to make such return, or to pay any such balance, as aforesaid, to the county treasurer, shall forfeit and pay the sum of one hundred dollars, to be recovered by a common informer in any court of competent jurisdiction, one-half to be paid to such informer and the balance into the county treasury. It is hereby made the duty of the chairman of the county board of supervisors, or county judge, as the case may be, to whom a return is made as aforesaid, to immediately transmit the aggregate amount of each return to the secretary of state, to be filed in his office for the use of the general assembly: *Provided*, the provisions of this section shall not apply to county officers in office at the time of the first meeting of the twenty-seventh general assembly.

§ 52. The board of supervisors, county court and board of county commissioners in their respective counties, shall have full power and authority, at their respective meetings, to inspect and examine the records, fee-books or papers of such county officers as are paid in whole or in part by fees, in which fees are charged or recorded, for the purpose of comparing the accounts rendered by said officers, with their books of entry; and any county officer failing or refusing to deliver said fee-books for inspection, as provided in this section, upon being requested so to do, shall forfeit and pay a like sum, and in like manner, as provided in the preceding section, for failing or refusing to make return. All fees, perquisites and emoluments received by said county officers (above the amount of compensation fixed by the county board, and clerk hire, and other necessary expenses) shall

County boards
 to inspect and
 examine records

be paid into the county treasury ; and the county treasurer shall keep a book for the purpose of entering all such fees received by him, in which shall be stated and set forth particularly the amount of such fees received, from whom, and when received, which book shall be subject to the inspection of the county board ; and any officer failing to enter any fees in a book, as required by this act, which he shall receive for any services performed, shall be deemed guilty of a malfeasance in office, and upon conviction in any court of competent jurisdiction, shall be fined in any sum not less than twenty dollars, nor more than two hundred dollars, one-half of such sum to go to the complainant, and the balance to be paid into the county treasury.

APPROVED March 29, 1872.

In force Feb. 13, 1872. AN ACT to fix the fees of township collectors and county collectors, in counties under township organization, for collecting the taxes of the year 1871, and to fix the fees of county treasurers for receiving and disbursing the revenue of 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That township shall be entitled to deduct and retain, as their fees, from all taxes levied for the year eighteen hundred and seventy-one (1871), and collected by them, two (2) per cent., which shall be in full payment for such services.

Township collectors.

County collectors.

§ 2. Collectors of counties under township organization shall receive, for collecting the taxes levied for the year eighteen hundred and seventy-one (1871), the same fees as are allowed township collectors by the preceding section. They shall also be allowed for making lists of delinquent real estate, to be filed with the county clerk for judgment, three (3) cents for each tract or lot ; a like fee for making delinquent lists for the printer ; and for selling lands and town lots, ten (10) cents for each tract and three (3) cents for each lot, to be charged and collected as costs.

County treasurers.

§ 3. County treasurers shall be allowed for receiving and disbursing taxes raised for county purposes, for the year eighteen hundred and seventy-one (1871), two (2) per cent., and for receiving from township collectors and paying over the taxes payable into the state treasury, for the year eighteen hundred and seventy-one (1871), one (1) per cent. They shall each receive, for going to and returning from the seat of government for the purpose of paying over the state tax, ten (10) cents for every mile of necessary travel, to be allowed by the auditor in settlement.

Emergency.

§ 4. Whereas an emergency exists as a reason why this law should take effect immediately, namely : that the rev-

enue is now being collected and must be paid over before the first day of July next: therefore, this law shall take effect and be in force from and after its passage.

APPROVED February 13, 1872.

AN ACT to fix the fees of township collectors, in counties under township organization, having a population not exceeding seventy thousand inhabitants, and to authorize the treasurer of such counties to settle with township collectors in accordance with the fees herein fixed. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all counties under township organization, having a population not exceeding seventy thousand inhabitants, the town collectors shall be entitled to deduct and retain as their fees, from all taxes levied for the year eighteen hundred and seventy-one (1871), and collected by them, three per cent., in full for their services: *Provided*, that only two per cent. shall be retained by such collectors from taxes levied for school purposes. Fees of collectors.

§ 2. In all cases where the town collectors in such counties have made a settlement with the county treasurer for the taxes collected for the year eighteen hundred and seventy-one (1871), before the passage of this law, the county treasurer shall pay over to such collectors such amounts of money out of the county treasury as will make the commission of such collectors the amount herein allowed. Where settlement has been made.

APPROVED April 9, 1872.

AN ACT to repeal all laws in conflict with the act relative to fees and salaries, passed at the present session of this general assembly, or relating to the fees or salaries of the officers named in said act, except as therein specified. In force July 2, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all laws or parts of laws, heretofore existing, whether general, special or local, providing for the payment of any salary, fees or compensation to any of the officers mentioned or referred to in the certain act passed at the present session of this general assembly, entitled "An act to fix the salaries of state officers, of the judges of the circuit courts and superior court of Cook county, of the state's attorneys, of the judges and prosecuting attorneys of inferior courts in cities and towns, of the county officers of Cook county; to reg-

ulate the fees of the secretary of state, and of the clerks of the supreme court, to classify the counties according to population, and fix the scale of fees for county officers in each class; to establish the fees of masters in chancery, notaries public, commissioners, arbitrators, jurors, witnesses, justices of the peace, constables and all town officers; to provide the mode of rendering their accounts, and to fix a penalty for exacting illegal fees," other than is therein specified, are hereby repealed; but the repeal of such prior laws shall not prejudice the right of any officer to collect the fees or salary due him for services performed prior to the time this act takes effect, nor affect any right accrued, or liability or penalty incurred under the laws hereby repealed, nor any prosecution therefor.

APPROVED April 9, 1872.

In force July 1, 1871. AN ACT to provide for and fix the salary of the judges of the supreme court.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be allowed and paid to each of the judges of the supreme court, in lieu of any and all other fees, salary and compensation whatsoever, an annual salary of five thousand dollars, payable in quarterly-yearly installments, out of the state treasury, on the warrant of the auditor of public accounts, from and out of any money not otherwise appropriated.

Repeal.

§ 2. Any and all laws in conflict with this act are hereby repealed.

APPROVED March 17, 1871.

In force July 1, 1871. AN ACT providing for the payment, by the county of Cook, of further compensation to the judges of the circuit and superior courts, and the state's attorney of said county, respectively.

Addition
salaries
county.

to
by

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the judges of the circuit and superior courts, and the state's attorney of Cook county, shall each be paid by the said county, in addition to the salaries which may be paid to them from the state treasury, such further compensation as will make their respective salaries amount to the sum of seven thousand dollars.

To be paid
quarterly.

§ 2. The said compensation shall be paid in equal quarterly installments; and it shall be the duty of the county

clerk of said county, at the end of each and every quarter of the year, to draw an order or warrant therefor in favor of each of said judges and state's attorney, respectively, on the county treasurer of said county, whose duty it shall be to pay the same on presentation properly indorsed.

APPROVED April 13, 1871..

AN ACT to establish the salary of the lieutenant-governor.

In force Dec. 22,
1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the lieutenant-governor of this state shall receive a salary of twelve hundred dollars per annum, said salary to commence on the eighth day of August, in the year of our Lord one thousand eight hundred and seventy, and be paid to him in quarter-annual installments, on the warrant of the auditor of state, out of any moneys not otherwise appropriated. Salary.

§ 2. Whereas, by the constitution, no pay can be received by him until his salary is fixed by law, and it is proper that he should receive pay at the time of the performance of his duties as such officer, whereby an emergency has arisen: therefore, this act shall take effect and be in force from and after its passage; and that this law continue in force until January first, one thousand eight hundred and seventy-three, and no longer. Emergency.

APPROVED December 22, 1871.

FIRE COMPANIES.

AN ACT to amend an act entitled "An act amendatory of an act, approved March 3, 1845, in relation to fire companies," approved February 24, 1859. In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one of an act entitled "An act amendatory of an act approved March 3, 1845, in relation to fire companies," approved February 24, 1859, be so amended as to read as follows: "Fire companies incorporated or desiring to become incorporated under the laws of this state, shall have the names of the members thereof recorded in the recorder's office of the proper county, and also in the office of the city,

town or village clerk, or in the office of the register of cities in which such officers exist. The corporate authorities of any town, city or village where any fire company exists, may by ordinance exempt such of the members of such company as are active members thereof, and perform the duties of firemen, from road and street labor, as well as from the payment of money in lieu thereof; and the members of such company or companies shall not be otherwise exempt."

APPROVED March 8, 1872.

FISH.

In force July 1, 1872. AN ACT to prevent the destruction of fish in the state of Illinois, and to secure the unobstructed passage of fish in all the waters of this state wherein they were once accustomed to be found.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no person shall place, erect or cause to be placed or erected any dam, seine, net, weir, fish-dam or other obstruction in or across any of the rivers, creeks, streams, ponds, lakes, sloughs, bayous or other water courses wholly within this state, or in that part of such stream or water course wholly within this state, in such manner as shall hinder or obstruct the free passage of fish up or down or through such waters or water courses; and that from and after the adoption of this act it shall be unlawful for any person to use any seine or net for the purpose of catching fish, except minnows, in any of the waters of this state, the meshes of whose seine is less than one and one-half inches.*

Obstructions.

Complaint.

§ 2. Whenever complaint shall be made to any justice of the peace in any county of this state, that any person has violated the foregoing section, he shall inquire into the matter, and if satisfied, from the affidavit of the person making the complaint, or from other testimony, that there is reasonable cause to justify the making of such complaint, he shall issue his warrant, directed to the sheriff or any constable of such county, authorizing and commanding him forthwith to arrest and bring before him the person alleged or charged to have been guilty of a violation of the foregoing section.

Justice to hear and determine.

§ 3. Whenever any person shall be brought before any justice of the peace in the manner provided for in the last

preceding section, for a violation of the first section of this act, it shall be the duty of such justice of the peace to hear and determine the complaint made against such person in a summary manner.

§ 4. Any person found guilty of a violation of said first section shall be fined by the justice before whom the complaint may be made, as provided for in the second section, in the sum of not less than ten nor more than fifty dollars for the first offense, and for the second or any subsequent offense such fine may be increased to an amount not exceeding one hundred dollars. Fine.

§ 5. All suits commenced under this act shall be in the name of the People of the State of Illinois, and when any judgment is rendered against any person or persons offending against the first section of this act, execution shall issue on such judgment, and the sheriff or constable to whom the same may be directed shall pay all moneys collected on such execution to the county superintendent of schools of the county wherein such offense is committed and such judgment rendered, when the same shall form part of the common school fund of such county. Suits under this act.

§ 6. For the purpose of enforcing the provisions of this act it is hereby declared that any execution issued as provided for in the last preceding section, and if returned "not satisfied," the justice issuing the same, and in case of his death or absence from the place, any other nearest justice of the peace in such county, shall issue his warrant to the constable or sheriff of such county commanding him to take, carry and deliver the person or persons against whom such execution may have issued, to the jailer of such county, who shall receive such person or persons into his custody and commit him or them to the common jail of such county for a period of not less than ten nor more than sixty days, as the justice shall, in his warrant, direct, and any person so committed to jail may be discharged at any time during such confinement on his payment to the officer to whom the execution was delivered, as provided in the fifth section of this act, the amount of his fine and the costs of his arrest and detention, which money shall be paid by such constable or sheriff, in the same manner as though it had been paid before such arrest and imprisonment. Executions.

§ 7. Nothing in this act shall be so construed as to prevent any person from erecting any dam, according to law, across any water course in this state, for the purpose of navigation, running mills or other machinery. Damages for navigation.

APPROVED March 22, 1872.

FORCIBLE ENTRY AND DETAINER.

In force July 1,
1872.

AN ACT in regard to forcible entry and detainer.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no person shall make an entry into lands or tenements except in cases when his entry is allowed by law; and in such cases he shall not enter with force, but in a peaceable manner.

§ 2. When a forcible entry is made, or when a peaceable entry is made and the possession unlawfully withheld by force; or when entry is made into vacant and unoccupied lands or tenements without color of right or title; or when the lessee of lands or tenements, or a person holding under such lessee, holds possession without right after the determination of the lease by its own limitation or terms, or by notice to quit, or otherwise; or a vendee having obtained possession of lands or tenements under a written or verbal agreement to purchase, and having failed to comply with his agreement of purchase withholds possession thereof, after demand made in writing by the person entitled thereto; or when land has been sold under a judgment or decree of court in this state, and the party to such judgment or decree, after the expiration of the time of redemption, refuses or neglects to surrender possession thereof, after demand made therefor by the person entitled to the possession, in either case the person entitled to the premises may be restored to the possession, in the manner hereinafter provided.

§ 3. In case of forfeiture under contract of purchase, the purchaser shall be entitled to cultivate and gather the crop growing on the premises at the time of the commencement of the suit, and shall have the right of ingress and egress for the purposes of such cultivation, and of removing such crop after its maturity.

§ 4. On complaint in writing, upon oath, by the party entitled to the possession of the premises, his agent or attorney, before any justice of the peace in the county in which the premises are situated—particularly describing the premises—the justice shall issue a summons, directed to the sheriff or any constable of his county, to execute. The summons may be substantially in the following form:

STATE OF ILLINOIS, } ss.
... County.

Form. *The People of the State of Illinois, to the Sheriff or any Constable of said County—GREETING:*

You are hereby commanded to summon A B to appear before me, at, on the day of, at o'clock ... M.; to answer the complaint

of C D, for a (forcible entry and detainer, or detainer,) of certain premises in said county; and thereof make due return, as the law directs.

Given under my hand and seal, this day of, 18..

JOHN DOE, J. P.

§ 5. In which summons shall be specified a certain place, Day and hour of trial.
day and hour for the trial, not less than six nor more than fifteen days from the date of the summons.

§ 6. The summons shall be served at least five days before the return day thereof, in the same manner as other summonses issued by justices of the peace, and the manner of service shall be indorsed on the back of the summons by the officer serving the same. Summons, how served.

§ 7. Either party may have the case tried by a jury, if he shall so determine, before the trial is entered upon, and will first pay the fees of the jurors. The number of jurors shall be six, or any greater number, not exceeding twelve, as either party may desire. Jury.

§ 8. The manner of summoning, selecting, and the qualification of jurors, shall be the same as in other cases before justices of the peace. Jurors.

§ 9. Continuance may be granted as in other cases before justices of the peace. Continuances.

§ 10. The trial of the cause may be conducted as other causes before a justice of the peace. Trial.

§ 11. If the defendant does not appear, the trial may proceed *ex parte*. If it appears on trial that the plaintiff is entitled to the possession of the premises, he shall have judgment and execution for the possession and for his costs. Plaintiff to have judgment.

§ 12. If the plaintiff is nonsuited, or fails to prove his right to the possession, the defendant shall have judgment and execution for his costs. Defendant to have judgment.

§ 13. The justice of the peace shall keep a record of the proceedings before him, as in other cases. Record of proceedings.

§ 14. If either party shall feel aggrieved by the verdict of the jury or the decision of the justice, on any trial had under this chapter, he may have an appeal to the county court, to be obtained in the same manner and tried in the same way as appeals from justices of the peace in other cases. Appeals.

§ 15. If the defendant appeals, the condition of the bond shall be that he will prosecute such appeal with effect, and pay all rent then due and that may become due before the final termination of the suit, and all damages and loss which the plaintiff may sustain by reason of the withholding of the possession of the premises, and by reason of any injury done thereto during such withholding, together with all costs, until the restitution of the possession thereof to the plaintiff, in case the judgment from which the appeal is taken is affirmed. Appeal bond.

§ 16. The bond shall be in sufficient amount to secure such rent, damages and cost; and the court in which the appeal may be pending may require a new bond in a larger Amount of bond.

amount, and upon any continuance may require another bond to be given to further secure the same.

Indictment.

§ 17. No indictment or inquisition shall be necessary in any case arising under this chapter.

APPROVED April 10, 1872.

FOUNDLINGS.

In force July 1,
1872.

AN ACT for the protection of foundlings.

Parents to lose
authority.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter when any child in this state, under the age of one year, shall be willfully abandoned by its parents, and shall be taken and cared for by any charitable institution in this state, incorporated or otherwise, such parents so abandoning said child shall thenceforth lose all their right, control and authority over said child, and said right, control and authority shall thereupon become vested in said institution.

Willful abandon-
ment.

§ 2. It shall be deemed a willful abandonment, for the purposes of this act, if any such child be left by its parents at any such charitable institution.

Illegitimate
children.

§ 3. In the case of illegitimate children, or where the father of any legitimate child shall have willfully deserted his family for the space of one year, an abandonment by the mother of any such child shall be deemed an abandonment by its parents, according to the provisions of this act.

APPROVED March 7, 1872.

FUNDS.

In force Feb. 29, 1872. AN ACT in relation to surplus funds raised in towns and cities for bounty purposes, during the late war for the suppression of the rebellion.

PREAMBLE.—Whereas various towns and cities in this state, by vote of the electors thereof, did, in pursuance of law, raise moneys for the payment of bounties to persons volunteering in the services of the United States; and, whereas, in many towns and cities a surplus of such moneys

remains on hand ; and, whereas, there is no statute authorizing the appropriation or use of such surplus for any other purpose than that for which the same was raised : therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the several towns and cities of this state which may have a surplus of money raised for bounty purposes, as aforesaid, be and they are hereby authorized, by vote of the electors thereof, at any regular or special town meeting or election to be held therein, after due and legal notice of such town meeting or election shall have been given, to appropriate any such surplus moneys to such object or purpose as a majority of the voters voting at such election or town meeting may determine. Towns to appropriate.

§ 2. Whereas there is now no statute authorizing the transfer of such funds, wherefore an emergency exists for the immediate passage of this act : therefore this act shall take effect and be in force from and after its passage. Emergency.

APPROVED February 29, 1872.

AN ACT to transfer the state debt fund and interest fund to the revenue fund. In force July 1, 1871.

WHEREAS there will remain and come into the state treasury a large sum of money to the credit of said funds, and whereas the Illinois Central Railroad fund will be more than sufficient to pay all the state debt as it becomes due, thereby making it no longer necessary to use said funds for that purpose ; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all funds that are now or may be hereafter in the state treasury credited to either said state debt fund or interest fund, after the state debt now due is paid, shall be transferred by the state treasurer, upon the auditor's warrant, drawn for that purpose, to the revenue fund. Said funds so transferred shall be considered and treated as revenue for the payment of warrants, as well as by the auditor in fixing the rate of taxation to be levied for state purposes. Funds to be transferred.

§ 2. All laws creating a separate interest fund, as well as all other laws in conflict with this act, are hereby repealed. Repealed.

APPROVED April 3, 1871.

GAMING HOUSES.

In force July 1, 1872. AN ACT to prevent the keeping of common gaming houses and to prevent gaming.

Penalties.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whoever keeps a common gaming house, or in any building, booth, yard or garden, by him or his agent used and occupied, procures or permits any person to frequent, or to come together to play for money or other valuable thing, at any game, or keeps, or suffers to be kept, any tables or other apparatus, for the purpose of playing at any game or sport, for money, or any other valuable thing, shall, upon conviction, for the first offense be fined not less than one hundred dollars, and for the second offense be fined not less than five hundred dollars, and be imprisoned in the county jail not less than six months, and for the third offense shall be fined not less than five hundred dollars, and be imprisoned in the penitentiary not less than two years, nor more than five years.

Act repealed.

§ 2. Section one hundred and twenty-nine of chapter thirty of the Revised Statutes of 1845, entitled "Criminal Jurisprudence," is hereby repealed; but the repeal of said section shall not affect any rights or liabilities existing, or suits pending at the time this act takes effect.

APPROVED February 29, 1872.

GARNISHMENT.

In force July 1, 1872.

AN ACT in regard to garnishment.

Summons to
garnishee.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever a judgment shall be rendered by any court of record, or any justice of the peace in this state, and an execution against the defendant in such judgment shall be returned by the proper officer, "No property found," on the affidavit of the plaintiff, or other credible person, being filed with the clerk of such court, or justice of the peace, that said defendant has no property within the knowledge of such affiant, in his possession, liable to execution, and that such

affiant hath just reason to believe that any other person is indebted to such defendant, or hath any effects or estate of such defendant in his possession, custody or charge, it shall be lawful for such clerk or justice of the peace to issue a summons against the person supposed to be indebted to, or supposed to have any of the effects or estate of the said defendant, commanding him to appear before said court or justice, as a garnishee; and said court or justice of the peace shall examine and proceed against such garnishee or garnishees, in the same manner as is required by law against garnishees in original attachments.

§ 2. Such garnishee summons, when issued by the clerk of a court of record, shall be made returnable, and be served as other summonses. Return of summons.

§ 3. No judgment by default shall be rendered unless such process shall have been served ten days before the return day; but if such process shall have been served within less than ten days, it shall be deemed returnable on the first day of the next term of the court. If garnishee process shall be issued in term time, it shall be made returnable on the first day of the next term of the court. Judgment by default.

§ 4. If such process is issued by a justice of the peace, it shall be made returnable within the same time, and be served in the same manner as other summonses issued by justices of the peace. Justice of the peace.

§ 5. When any person is summoned as a garnishee upon any process of attachment or garnishee summons issued out of a court of record, the plaintiff shall, at or before the term at which the garnishee is bound to appear, or within such further time as the court shall allow, exhibit and file, all and singular, such allegations and interrogatories, in writing, upon which he shall be desirous to obtain, and compel the answer of any and every garnishee, touching the lands, tenements, goods, chattels, moneys, choses in action, credits and effects of such defendant, and the value thereof, in his possession, custody or charge, or from him due and owing to the said defendant at the time of the service of the said writ, or at any time after, or which shall or may thereafter become due; and it shall be the duty of every garnishee to exhibit and file, under his oath or affirmation, within ten days after he shall be notified of the filing of such interrogatories, or if no notice of the filing of the same shall have been served upon him, then on or before the third day of the next succeeding term after the term at which such interrogatories are filed, full, direct and true answers to all and singular the allegations and interrogatories by the plaintiff so exhibited and filed; but in no case shall the garnishee be compelled to answer before the third day of the return term of the garnishee process. Process out of a court of record.

§ 6. When the proceeding is before a justice of the peace, it shall not be necessary to exhibit or file interroga- Process before justices.

tories in writing, but the garnishee may be examined orally touching the personal estate, goods, chattels, moneys, choses in action, credits and effects of the defendant, and the amount and value thereof in his possession, custody or charge, or from him due and owing to such defendant at the time of the service of such attachment or summons, or at any time after, or which shall or may thereafter become due.

Failure of garnishee to make true discovery.

§ 7. When the plaintiff in any garnishee proceeding shall allege that any garnishee served with process, or appearing before any court, hath not truly discovered the lands, tenements, goods, chattels, moneys, choses in action, credits and effects, or if before a justice of the peace such personal effects of the defendant in the attachment suit or judgment, and the value thereof, in his possession, custody or charge, or from him due and owing to the defendant at the time of the service of the writ, or at any time after, or which shall or may thereafter become due, the court or justice of the peace shall immediately (unless the case shall for good cause be continued) proceed to try such cause, as against such garnishee, without the formality of pleading. The trial shall be conducted as other trials at law, and if the finding or verdict shall be against the garnishee, judgment shall be given against him in the same manner as if the facts had been admitted by him, with all costs of such trial. If the finding shall be in favor of the garnishee, he shall recover his costs against the plaintiff. And in case the garnishee admits indebtedness to the judgment debtor, he shall not be liable for costs.

Conditional judgment against garnishee.

§ 8. When any person shall have been summoned as a garnishee upon any attachment or other writ issued out of any court of record, or by any justice of the peace, and shall fail to appear or make discovery, as by this act required, the court or justice of the peace may enter a conditional judgment against such garnishee for the amount of the plaintiff's demand, or judgment against the original defendant, and thereupon a *scire facias* shall issue against such garnishee, returnable, if the proceedings be in a court of record, at the next term of court, or if it be before a justice of the peace, within the same time as other summonses from justices of the peace, commanding such garnishee to show cause why such judgment should not be made final. If such garnishee, being served with process or notified as required by law, shall fail to appear and make discovery in the manner aforesaid, the court, or justice of the peace, shall confirm such judgment, to the amount of the judgment against the original defendant, and award execution for the same and costs. If such garnishee shall appear and answer, the same proceedings may be had as in other cases.

§ 9. If any garnishee shall become a non-resident, or shall have gone out of this state, or is concealed within this state so that the *scire facias* cannot be served upon him, upon the plaintiff or his agent filing affidavit, as in cases of non-resident defendants in attachment, such garnishee may be notified in the same manner as such non-resident defendants, and upon such notice being given he may be proceeded against in the same manner as if he had been personally served with such *scire facias*. Non-resident garnishee.

§ 10. No final judgment shall be entered against a garnishee in any attachment proceeding until the plaintiff shall have recovered a judgment against the defendant in such attachment. Final judgment.

§ 11. If it appears that any goods, chattels, choses in action, credits or effects in the hands of a garnishee are claimed by any other person, by force of an assignment from the defendant, or otherwise, the court or justice of the peace shall permit such claimant to appear and maintain his right. If he does not voluntarily appear, notice for that purpose shall be issued and served on him in such manner as the court or justice shall direct. Assignments.

§ 12. If such claimant appears, he may be admitted as a party to the suit, so far as respects his title to the property in question; and may allege and prove any facts not stated or denied by the garnishee, and such allegations shall be tried and determined in the manner hereinbefore provided. If such person shall fail to appear after having been served with notice in the manner directed, he shall nevertheless be concluded by the judgment in regard to his claim. Claimant as party to suit.

§ 13. Every garnishee shall be allowed to retain or deduct out of the property, effects or credits in his hands all demands against the plaintiff, and all demands against the defendant, of which he could have availed himself if he had not been summoned as garnishee, whether the same are at the time due or not, and whether by way of set-off on a trial, or by the set-off of judgments or executions between himself and the plaintiff and defendant severally, and he shall be liable for the balance only after all mutual demands between himself and the plaintiff and defendant are adjusted, not including unliquidated damages for wrongs and injuries: *Provided*, that the verdict or finding, as well as the record of the judgment, shall show in all cases, against which party, and the amount thereof, any set-off shall be allowed, if any such shall be allowed. Deduction by garnishee.

§ 14. The wages and services of a defendant being the head of a family and residing with the same, to an amount not exceeding twenty-five dollars, shall be exempt from garnishment. In case the wages or services of such defendant in the hands of a garnishee shall exceed twenty-five dollars, judgment shall be given only for the balance above that amount. Exempt from garnishment.

Indorsements.

§ 15. No person shall be liable as a garnishee by reason of having drawn, accepted, made or indorsed any negotiable instrument, when the same is not due, in the hands of the defendant at the time of service of the garnishee, summons, or the rendition of the judgment.

Judgment
against garni-
shee.

§ 16. The judgment against a garnishee shall acquit him from all demands by the defendant for all goods, effects and credits paid, delivered or accounted for by the garnishee by force of such judgment.

Discharge of
garnishee.

§ 17. If the person summoned as garnishee is discharged, the judgment shall be no bar to an action brought against him by the defendant for the same demand.

Death of gar-
nishee.

§ 18. In case of the death of a person served as garnishee, his executor or administrator may be made a party, and notified unless his appearance is entered, as in the case of the death of a defendant, and the cause may proceed against him as personal representative of the deceased.

Execution
against garni-
shee.

§ 19. When judgment is rendered against any garnishee, and it shall appear that the debt from him to the defendant is not yet due, execution shall not issue against him until twenty days after the same shall become due, unless the party asking the same, or his agent, shall make oath that he believes the debt will be lost unless execution issue forthwith, in which case execution shall issue as soon as said debt to defendant is due; but no sale of property, under such execution, shall take place until after the expiration of twenty days from date of judgment.

§ 20. When any garnishee has any goods, chattels, choses in action, or effects other than money, belonging to the defendant, or which he is bound to deliver to him, he shall deliver the same, or so much thereof as may be necessary, to the officer who shall hold the execution in favor of the plaintiff, in the attachment suit or judgment, which shall be sold by the officer, and the proceeds applied and accounted for in the same manner as other goods and chattels taken on execution.

When effects
are mortgaged.

§ 21. When it shall appear that such goods, chattels, choses in action, or effects in the hands of a garnishee are mortgaged, or pledged, or in any way liable for the payment of a debt to him, the plaintiff may be allowed, under an order of the court or justice of the peace for that purpose, to pay or tender the amount due to the garnishee; and he shall thereupon deliver the goods, chattels, choses in action and effects, in the manner before provided, to the officer who holds the execution.

When held for
other contracts.

§ 22. If the goods, chattels, choses in action, or effects are held for any purpose, other than to secure the payment of money, and if the contract, condition or other thing to be performed, is such as can be performed by the plaintiff without damage to the other parties, the court or justice of

the peace may make an order for the performance thereof by him. Upon such performance or a tender, the garnishee shall deliver the goods, chattels and effects in the manner before provided, to the officer who holds the execution.

§ 23. All goods, chattels, choses in action and effects, received by the officer under either of the two preceding sections, shall be sold and disposed of in the same manner as if they had been taken on an execution in any other manner, except that from the proceeds of the sale the officer shall repay the plaintiff the amount paid by him to the garnishee for the redemption of the same, with interest thereon, or shall indemnify the plaintiff for any other act or thing by him done or performed pursuant to the order of the court or justice of the peace for the redemption of the same. Goods and effects to be sold.

§ 24. When it shall appear that any garnishee has in his hands or under his control, any goods, chattels, choses in action or effects, belonging to or which he is bound to deliver to the defendant, with or without condition, the court or justice of the peace may make any and all proper orders in regard to the delivery thereof to the proper officer, and the sale or disposition of the same, and the discharging of any lien thereon, and may authorize the garnishee to sell any such property, or collect any choses in action, and account for the proceeds thereof; or, if the proceeding be in a court of record, the court may appoint a receiver to take possession of and sell, collect, or otherwise dispose of the same, and make all orders in regard thereto which may be necessary or equitable between the parties. When garnishee is bound to deliver.

§ 25. If any garnishee refuses or neglects to deliver any goods, chattels, choses in action or effects in his hands when thereto lawfully required by the court or justice of the peace or officer having an execution upon which the same may be received, he shall, if the proceeding be in a court of record, be liable to be attached and punished as for a contempt, or the court may enter up judgment for the amount of the plaintiff's judgment, and award execution thereon against the garnishee; or, if the proceeding be before a justice of the peace, be liable to the plaintiff for the full amount of his judgment against the defendant, and judgment may be entered against him therefor. Refusal to deliver.

§ 26. Nothing contained in this chapter shall prevent the garnishee from receiving any goods, chattels, choses in action or effects in his hands for the payment of any demand for which they are mortgaged, pledged, or otherwise liable at any time before the amount due to him is paid or tendered, if such sale would be authorized as between him and the defendant. Garnishee to receive goods.

§ 27. The court or justice of the peace may order the costs of the proceedings in any garnishment to be paid by the plaintiff, or out of the effects or credits garnisheered, or by the garnishee, or may apportion the same as shall ap-

pear to be just and equitable. The garnishee shall be entitled to fees the same as witnesses before the same courts in civil cases.

Appeal. § 28. An appeal may be taken from the judgment or any final order of the court or justice of the peace, by any party to such proceeding, in like manner as appeals are taken in other cases.

Acts repealed. § 29. Chapter nine of the Revised Statutes of 1845, entitled "Attachments in Circuit Courts," and sections nine, ten, eleven, twelve, sixteen, seventeen and eighteen of chapter eight of the Revised Statutes of 1845, and section thirty-eight of chapter forty of the Revised Statutes of 1845, and the act amendatory thereof, approved February 22d, 1861, and all laws and parts of laws in conflict with this act, are hereby repealed: *Provided*, this section shall not affect suits pending, or rights existing at the time this act shall take effect.

APPROVED March 9, 1872.

GENERAL ASSEMBLY.

In force July 1, 1872. AN ACT to fix the pay of members of the general assembly, after its first session under the present constitution.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That, until otherwise provided by law, members of the general assembly shall receive for their services the sum of five dollars per day during each session; and for each session ten cents for each mile necessarily traveled in going to and returning from the seat of government, to be computed by the auditor of public accounts; and also the sum of fifty dollars per session to each member, which shall be in full for postage, stationery, newspapers, and all other incidental expenses and perquisites, and no more.

Per diem, postage and stationery. Certificate of president and speaker. § 2. The pay and mileage allowed to each member of the general assembly, shall be certified by the president of the senate and speaker of the house of representatives, and entered on the journals and published at the close of each session.

APPROVED March 29, 1872.

GUARDIANS AND WARDS.

AN ACT in regard to guardians and wards. .

In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That males of the age of twenty-one, and females of the age of eighteen years shall be considered of full age for all purposes; and until these ages are attained, they shall be considered minors. Of age.

§ 2. The county courts in their respective counties may, when it shall appear necessary or convenient, appoint guardians to minors, inhabitants of or residents in the same county, and to such as reside out of this state and have an estate within the same, in the county where the real estate or some part thereof may lie; or if he has no real estate, then in any county where he may have personal property. County courts to appoint guardians.

§ 3. If a minor is under the age of fourteen years, the county court may nominate and appoint his guardian. If he is above that age, he may nominate his own guardian, who, if approved by the court, shall be appointed accordingly; if not approved by the court, or if the minor resides out of the state, or if, after being cited, he neglects to nominate a suitable person, the court may nominate and appoint his guardian in the same manner as if he was under the age of fourteen years. Nomination of guardian.

§ 4. The guardian of a minor shall have, under the direction of the court, the custody, nurture and tuition of his ward, and the care and management of all his estate. But the father of the minor, if living, and in the case of his death the mother, they being respectively competent to transact their own business, and fit persons, shall be entitled to the custody of the person of the minor and the care of his education. In case the father and mother shall live apart, the court may, for good reason, award the custody and education of the minor to the mother or other proper person. Custody of ward

§ 5. The father, being of sound mind and memory, of a child likely to be born, or of any living child, being a minor and unmarried, may, by his last will, dispose of the custody and tuition of such child, to continue during its minority, or for a less time: *Provided*, no such will shall take effect to deprive the mother, during her life, of the custody and tuition of the child, without her consent, if she be a fit and competent person to have such custody and tuition. The mother being of sound mind and memory, and being sole, or surviving the father of her child, may, in like manner, dispose of the custody and tuition of such child. Father may dispose of custody.

Infant's estate. § 6. The guardianship of the infant's estate may be appointed to one, and the custody and tuition of the minor to another.

Bond of guardian. § 7. The county court shall take of the guardian appointed by it, a bond, payable to the People of the State of Illinois, with at least two sufficient sureties, to be approved by the court, in double the amount of the minor's estate, real and personal, conditioned substantially as follows:

Condition of bond. The condition of this obligation is such, that if the above bounden (name of guardian), who has been appointed guardian of (name of infant), shall faithfully discharge the office and trust of such guardian according to law, and shall make a true inventory of all the real and personal estate of the ward, that shall come to his possession or knowledge, and return the same unto the county court of . . . county, at the time required by law, and manage and dispose of all such estate according to law and for the best interest of said ward, and faithfully discharge his trust in relation thereto, and to the custody, nurture and education of said ward, and render an account, on oath, of the property in his hands, including the proceeds of all real estate that may be sold by him, if any, and of the management and disposition of all such estate, within one year after his appointment, and at such other time as shall be required by law or directed by the court, and upon removal from office, or at the expiration of his trust, settle his accounts in said court, or with the ward or his legal representatives, and pay over and deliver all the estate, title papers and effects remaining in his hands or due from him on such settlement, to the person or persons lawfully entitled thereto, then this obligation shall be void: otherwise to remain in full force and virtue.

Testamentary guardian. § 8. A testamentary guardian shall have the same powers and perform the same duties within the scope of his appointment, as a guardian appointed by the county court.

To be commissioned. § 9. A testamentary guardian, except for the custody and tuition of the minor, shall, before he can act, be commissioned by the county court of the proper county and give the bond prescribed in section seven of this act—except, that when the testator has requested in his will that a bond be not required, it shall not be required unless, from a change in the situation or circumstances of the guardian, or for other sufficient cause, the court shall deem it necessary to require it.

Application for appointment. § 10. Upon application being made for the appointment of a guardian, unless the proper persons are before it, the court shall assign a day for the hearing thereof, and shall direct such notice of the hearing to be given to the relatives of the minor, residing in the county, as he shall, on due inquiry, think reasonable. When any person shall at the same time be appointed guardian for several minors, the court may, if the estate shall be so situated as to make it more convenient or advantageous to the interest of the ward, include all in one bond.

Suit on bond. § 11. Bonds may be put in suit in the name of the People of the State of Illinois, to the use of any person entitled to recover on a breach thereof, and damages assessed and proceedings had thereon, as in other cases of penal bonds.

Inventory of estate. § 12. The guardian shall, within sixty days after his appointment, or if the court is not in session at the expira-

tion of that time, at the next time thereafter, return to the court a true and perfect inventory of the real and personal estate of the ward, signed by him and verified by his affidavit. As often as other estate shall thereafter come to his knowledge, he shall return an inventory thereof, within sixty days from the time the same shall come to his knowledge.

§ 13. The inventory shall describe the real estate, its probable value and rental, and state whether the same is incumbered, and, if incumbered, how and for how much; what amount of money is on hand; and contain a list of all personal property, including annuities and credits of the ward, designating them as "good," "doubtful" or "separate," as the case may be. Description of estate.

§ 14. The guardian shall, at the expiration of a year from his appointment, settle his accounts as guardian with the county court, and at least once every three years thereafter, and as much oftener as the court may require. Settlement of accounts.

§ 15. At the expiration of his trust he shall pay and deliver to those entitled thereto all the money, estate and title papers in his hands as guardian, or with which he is chargeable as such. Expiration of trust.

§ 16. On every accounting and final settlement of guardian he shall exhibit and file his account as such guardian, setting forth specifically, in separate items, on what account expenditures were made by him, and all sums received and paid out since his last accounting, and on what account each was received and paid out, and showing the true balance of money on hand, which account shall be accompanied by proper vouchers, and signed by him and verified by his affidavit. Final settlement

§ 17. The guardian shall settle all accounts of his ward, and demand and sue for, and receive in his own name as guardian, all personal property of and demands due the ward, or with the approbation of the court compound for the same, and give a discharge to the debtor upon receiving a fair and just dividend of his estate and effects. Accounts of wards.

§ 18. He shall appear for and represent his ward in all legal suits and proceedings, unless another person is appointed for that purpose as guardian or next friend; but nothing contained in this act shall impair or effect the power of any court or justice of the peace to appoint a guardian to defend the interest of a minor impleaded in such court or interested in a suit or matter therein pending, nor their power to appoint or allow any person, as next friend for a minor, to commence, prosecute or defend any suit in his behalf. Legal suits.

§ 19. The guardian shall manage the estate of his ward frugally and without waste, and apply the income and profit thereof, so far as the same may be necessary, to the comfort and suitable support and education of his ward. Management of estate.

Education of ward § 20. The guardian shall educate his ward, and it is made the duty of all civil officers to give information to the county court of any neglect of the guardian to his ward.

When money is insufficient. § 21. When there is not money of the ward sufficient to teach him to read and write, and the elementary rules of arithmetic, and the guardian fails or neglects to have him so educated, the court shall have power to put out the ward to any other person for the purpose of having him so educated.

Money to be kept at interest. § 22. It shall be the duty of the guardian to put and keep his ward's money at interest, upon security, to be approved by the court, or invest the same in United States bonds, or other United States interest-bearing securities. Personal security may be taken for loans not exceeding one hundred dollars. Loans in large amounts shall be upon real estate security. No loan shall be made for a longer time than three years, nor beyond the minority of the ward: *Provided*, the same may be extended from year to year without the approval of the court. The guardian shall be chargeable with interest upon any money which he shall wrongfully or negligently allow to remain in his hands uninvested after the same might have been invested.

Lease of real estate. § 23. The guardian may lease the real estate of the ward upon such terms and for such length of time, not extending beyond the minority of the ward, as the county court shall approve.

Mortgage and sale. § 24. The guardian may, by leave of the county court, mortgage the real estate of the ward for a term of years not exceeding the minority of the ward, or in fee; but the time of the maturity of the indebtedness secured by such mortgage shall not be extended beyond the time of minority of the ward.

Petition to county court. § 25. Before any mortgage shall be made, the guardian shall petition the county court for an order authorizing such mortgage to be made, in which petition shall be set out the condition of the estate, and the facts and circumstances on which the petition is founded, and a description of the premises sought to be mortgaged.

Foreclosures of mortgage. § 26. Foreclosures of mortgages authorized by this act shall only be made by petition to the county court of the county where letters of guardianship were granted, or in case of non-resident minors, in the county in which the premises, or some part thereof, are situated, in which proceeding the guardian and ward shall be made defendants; and any sale made by virtue of any order or decree of foreclosure of such mortgage may, at any time before confirmation, be set aside by the court for inadequacy of price, or other good cause, and shall not be binding upon the guardian or ward until confirmed by the court.

Decree of foreclosure. § 27. No decree of strict foreclosure shall be made upon any such mortgage, but redemption shall be allowed as is

now provided by law in cases of sales under executions upon common law judgments.

§ 28. On the petition of the guardian, the county court of the county where the ward resides, or if the ward does not reside in the state, of the county where the real estate, or some part of it, is situated, may order the sale of the real estate of the ward, for his support and education, when the court shall deem it necessary, or to invest the proceeds in other real estate, or for the purpose of otherwise investing the same. Petition for sale of real estate.

§ 29. The petition shall set forth the condition of the estate and the facts and circumstances on which the petition is founded, and shall be signed by the guardian and verified by his affidavit, and shall be filed at least ten days before the commencement of the term of court at which the application shall be made. Condition of the estate to be set forth.

§ 30. Notice of such application shall be given to all persons concerned, by publication in some newspaper published in the county where the application is made, at least once in each week for three successive weeks, or by setting up written or printed notices in three of the most public places in the county, at least three weeks before the session of the court at which such application shall be made. The ward shall be served with a copy of such notice at least ten days before the hearing of such application. Notice of application.

§ 31. Such application shall be docketed as other causes, and the petition may be amended, heard or continued for further notice, or for other cause. The practice in such cases shall be the same as in other cases in chancery. Application to be docketed.

§ 32. The court shall direct notice of the time and place of sale to be given, and may direct the sale to be made on reasonable credit, and require such security of the guardian or purchaser as the interest of the ward may require. Notice of sale.

§ 33. It shall be the duty of the guardian making such sale, as soon as may be, to make return of such sale to the court granting the order, which, if approved, shall be recorded, and shall vest in the purchaser or purchasers all the interest of the ward in the estate so sold. Return of sale.

§ 34. An account of all moneys and securities received by any guardian for the sale of real estate of his ward, shall be returned on oath of such guardian, to the county court of the county where letters of guardianship were obtained, and such money shall be accounted for, and subject to the order of the county court, in like manner as other moneys belonging to such minor. In case of sale for reinvestment in this state, the money shall be reinvested under the direction of the court. Return to be made on oath.

§ 35. It shall be the duty of the county court, at each accounting of the guardian, to inquire into the sufficiency of his sureties, and if at any time it has cause to believe that the sureties of a guardian are insufficient or in failing Sureties of guardian.

circumstances, it shall, after summoning the guardian, if he be not before the court, require him to give additional security.

Counter security to sureties.

§ 36. Upon the application of the surety of any guardian, and after summoning the guardian, the court may, if it believes him to be insolvent or in doubtful circumstances, require him to give counter security to his sureties.

Removal of guardian.

§ 37. The county court may remove a guardian for his failure to give bond or security, or additional or county security, when required; or for failure to make inventory, or to account and make settlement, or support or educate the ward, or when he shall have become insane, or have removed out of the state, or become incapable or unsuitable for the discharge of his duties, or for failure to discharge any duty required of him by law or the order of the court, or for other good cause.

Summons to show cause.

§ 38. Before removing a guardian the court shall summon him to show cause why he should not be removed for the cause alleged. If the guardian has left the state or cannot be served with process, he may be notified in the same manner as non-resident defendants in chancery.

Resignation of guardian.

§ 39. When it appears proper, the court may permit the guardian to resign his trust, if he first settles his accounts and delivers over the estate as by the court directed.

Appointment of another.

§ 40. Upon the removal, resignation or death of a guardian another may be appointed, who shall give bond and security and perform the duties prescribed in this act. And the court shall have power to compel the guardian so removed or resigned, or the executor or administrator of a deceased guardian, or the conservator of an insane person, or other person, to deliver up to such successor all the goods, chattels, moneys, title papers, and other effects in his custody or control, belonging to such minor; and upon failure to so deliver the same, to commit the person offending to jail until he shall comply with the order of the court.

Marriage of female ward.

§ 41. The marriage of a female ward shall discharge her guardian from all right to her custody and education, but not to her property.

Compensation.

§ 42. Guardians, on settlement, shall be allowed such fees and compensation for their services as shall seem reasonable and just to the court.

Appeals.

§ 43. Appeals shall be allowed to the circuit court from any order or judgment made or rendered under this act, upon the appellant giving such bond and security as shall be directed by the court; but no appeal from an order removing a guardian, shall in anywise affect such order, until the same be reversed.

Non-resident minor.

§ 44. When there is no guardian in the state of a non-resident minor, his guardian appointed and qualified according to the law of the place where the minor resides, having first obtained the authority of the county court of the

county in this state where any of the personal estate of such minor may be, so to do, may collect, by suit or otherwise, receive and remove to such place of residence of the minor, any personal estate of such minor.

§ 45. When there is a guardian in this state of a non-resident minor, the court may authorize such guardian to pay over and transfer the whole or any part of the ward's property to the non-resident guardian of such ward, appointed and qualified according to the law of the place where the ward resides, upon such terms as shall be proper in the premises, requiring receipts to be passed; and when the whole estate in the hands of the resident guardian shall be so transferred, may discharge him.

Guardian in this state.

§ 46. But the court shall not grant the authority mentioned in sections forty-four and forty-five, except upon petition of such foreign guardian, signed by him and verified by his affidavit, and unless he shall file with the court properly authenticated copies of his letters of guardianship and bond, with security in double the amount of the value of the property and estate sought, which shall have been executed and filed in the court which appointed such guardian. And unless it shall appear to the court, that a removal of such estate will not conflict with the interest of the ward or the terms of limitation attending the right by which the ward owns the same, or the rights of creditors, the resident guardian shall have ten days' previous notice of such application.

Petition of foreign guardian.

§ 47. When any person residing in any other state of the United States, or any territory thereof, shall have been or may hereafter be appointed guardian, in the state or territory in which such person resides, of any infant or other person owning real estate within this state, not having any guardian in this state, it shall and may be lawful for every such guardian to file his or her petition in the circuit court of the county in which said real estate, or the major part thereof, may lie, for sale of said real estate, for the purpose of educating and supporting such infant, or other persons under guardianship, or for the purpose of investing the proceeds of such real estate in such manner as the court which appointed such guardian may order and direct; and the said circuit court is hereby fully authorized and empowered to order a sale of such real estate conformably to the prayer of said petition: *Provided*, that every such guardian applying for such sale, shall file with his or her petition an authenticated copy of his or her letters of guardianship: *And, provided, further*, that the said circuit court shall make no order for a sale under said petition, until the said guardian shall have executed and filed in the court which appointed said guardian, a bond, with sufficient security, approved by said last mentioned court, for the due and faithful application of the proceeds of every such sale, in such manner as

Guardian residing in another state.

Bond.

the said last mentioned court may direct; an authenticated copy of which said bond, and the approval thereof, shall be deemed and taken by the circuit court as sufficient evidence of the execution and filing of the same.

Notice of petition.

§ 48. Every guardian applying for an order of sale under the foregoing section, shall be required to give notice of his or her petition in the same manner as is now required by law in cases of application for sales of lands belonging to minors, by resident guardians; and in every order for the sale of real estate under this act, it shall be the duty of the court to prescribe the terms of said sale, and the notice which shall be given thereof, and the place where such sale shall be made.

Sales of real estate.

§ 49. All sales of real estate, under the provisions of this act, are hereby declared to be good and valid; and all deeds executed by such guardian to the purchaser or purchasers under such sales, shall convey to and vest in such purchaser or purchasers all the estate, right, title and interest, in law or equity, of said infant or others in and to the land so sold.

Bond for costs.

§ 50. In all suits and petitions by non-resident guardians, they shall give a bond for costs, as in cases of other non-residents.

Acts repealed.

§ 51. The following acts and parts of acts are hereby repealed: Chapter forty-seven, of the Revised Statutes of 1845, entitled "Guardian and Ward;" an act entitled "An act to protect the interests of orphans and minors, and for other purposes," approved February 16, 1847; an act entitled "An act to amend the law in relation to securities of guardians," approved February 19, 1847; an act entitled "An act to amend chapter forty-seven of the Revised Statutes, entitled 'Guardians and Wards,'" approved February 8, 1853; an act entitled "An act in relation to foreign guardians," approved February 10, 1853; an act entitled "An act to legalize the appointment of guardians," approved February 12, 1853; an act entitled "An act in relation to non-resident guardians," approved February 12, 1853; an act entitled "An act giving county courts jurisdiction in certain cases therein named," approved February 8, 1857; an act entitled "An act to amend section sixteen of chapter forty-seven of Revised Statutes, entitled 'Guardian and Ward,'" approved February 21, 1861; an act entitled "An act to amend the forty-seventh chapter of Revised Statutes, entitled 'Guardians and Wards,'" approved February 16, 1865; an act entitled "An act to amend chapter forty-seven of the Revised Statutes of 1845," approved March 4, 1869; an act entitled "An act to amend chapter forty-seven of the Revised Statutes of 1845, entitled 'Guardian and Ward,'" approved April 8, 1869, and all other acts and parts of acts inconsistent with the provisions of this act; but the repeal of said acts, or parts of acts, shall not

affect any suit or proceeding pending, or impair any right existing at the time this act takes effect. But all suits and proceedings then commenced may be pursued to final disposition under said acts the same as if this act had not been passed.

APPROVED April 10, 1872.

GUARDIANS OF DRUNKARDS.

AN ACT to provide for the appointment of guardians of habitual drunkards, In force July 1, 1872.
and prescribing the duties of such guardians.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the judge of any circuit or county court, upon the finding of the jury that any person, resident of any county wherein the application may be made, is incapable of taking care of and preserving his or her property, by reason of habitual drunkenness, shall forthwith appoint a guardian of the property of such person, which guardian shall, by virtue of such appointment, be guardian also of the minor child or children of his ward, in case no other be appointed; and all laws relating to guardians for minors and their wards, and all laws pointing out the qualifications, duties, rights and liabilities of such guardians and their sureties, in force for the time being, shall be applicable to the guardians contemplated by this act. Judge to appoint guardian.

Qualifications.

§ 2. At least five (5), but not more than ten (10), days prior to the time when the application for the appointment of the guardian authorized by the foregoing section shall be made, a notice, in writing, setting forth the time and place of the hearing of the application, shall be served upon the person for whose property such appointment may be sought; and from the time of the service of such notice until the hearing, or the day thereof, as to all persons having notice of such proceeding, no sale, gift, conveyance or incumbrance of the property of such intemperate person or habitual drunkard shall be valid. Notice of application.

§ 3. The circuit or county court may, at any regular or adjourned term thereof, for the county where the person for whose property such guardian shall have been appointed, upon reasonable notice to such guardian and satisfactory proof that the necessity for such guardian no longer exists, Restoration of ward to control.

order that the relation of guardian and ward terminate, and that the ward be restored to the full control of his property, as before the appointment authorized by the first section of this act.

APPROVED February 21, 1872.

HOMESTEAD EXEMPTION.

In force July 1, 1872. AN ACT to exempt the homestead from forced sale, and to provide for setting off the same, and to exempt certain personal property from attachment and sale on execution, and from distress for rent.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every householder having a family shall be entitled to an estate of homestead, to the extent in value of fifteen hundred dollars, in the farm or lot of land and buildings thereon owned or rightly possessed, by lease or otherwise, and occupied by him or her as a residence; and such homestead, and all right and title therein, shall be exempt from attachment, judgment, levy on execution, sale for the payment of his debts, or other purposes, and from the laws of conveyance, descent and devise, except as hereinafter provided.

§ 2. Such exemption shall continue after the death of such householder, for the benefit of the husband or wife surviving, so long as he or she continues to occupy such homestead, and of the children until the youngest child becomes twenty-one years of age; and in case the husband or wife shall desert his or her family, the exemption shall continue in favor of the one occupying the premises as a resident.

§ 3. But no property shall, by virtue of this act, be exempt from sale for non-payment of taxes or assessments, or for a debt or liability incurred for the purchase or improvement thereof.

§ 4. No release, waiver or conveyance of the estate so exempted shall be valid unless the same is in writing, subscribed by said householder and his or her wife or husband, if he or she have one, and acknowledged in the same manner as conveyances of real estate are required to be acknowledged, or possession is abandoned or given pursuant to the conveyance, or, if the exemption is continued to a child or children, without the order of the court directing a release thereof.

§ 5. In case of a divorce, the court granting the divorce may dispose of the homestead estate according to the equities of the case.

§ 6. When a homestead is conveyed by the owner thereof, such conveyance shall not subject the premises to any lien or incumbrance to which it would not have been subject in the hands of such owner; and the proceeds thereof, to the extent of the amount of fifteen hundred dollars, shall be exempt from execution or other process for one year after the receipt thereof by the person entitled to the exemption.

Liens or incumbrances.

§ 7. Whenever a building exempted as a homestead is insured in favor of the person entitled to the exemption, and a loss occurs entitling such person to the insurance, such insurance money shall be exempt to the same extent as the building would have been had it not been destroyed.

Insurance money.

§ 8. In the enforcement of a lien in a court of equity upon premises including the homestead, if such right is not waived or released as provided in this act, the court may set off the homestead and decree the sale of the balance of the premises, or if the value of the premises exceeds the exemption, and the premises cannot be divided, may order the sale of the whole and the payment of the amount of the exemption to the person entitled thereto.

Homestead to be set-off.

§ 9. No sale shall be made of the premises on such decree or execution, unless a greater sum than fifteen hundred dollars is bid therefor. If a greater sum is not so bid, the decree may be set aside or modified, or the execution released as for want of property.

Sale on execution.

§ 10. If, in the opinion of the creditors or officer holding an execution against such householder, the premises claimed by him or her as exempt, are worth more than fifteen hundred dollars, such officer shall summon three householders as commissioners, who shall, upon oath to be administered to them by the officer, appraise said premises; and if, in their opinion, the property may be divided without injury to the interest of the parties, they shall set off so much of said premises, including the dwelling house, as in their opinion shall be worth fifteen hundred dollars, and the residue of said premises may be advertised and sold by such officer.

Commissioners to appraise the premises.

§ 11. In case the value of the premises shall, in the opinion of the jury, be more than fifteen hundred dollars, and cannot be divided as is provided for in this act, they shall make and sign an appraisal of the value thereof, and deliver the same to the officer, who shall deliver a copy thereof to the execution debtor, or to some one of the family of suitable age to understand the nature thereof, with a notice thereto attached, that unless the execution debtor shall pay to said officer the surplus over and above fifteen hundred dollars on the amount due on said execution, within sixty days thereafter, that such premises will be sold.

When premises cannot be divided.

§ 12. In case such surplus, or the amount due on said execution, shall not be paid within the said sixty days, the officer may advertise and sell the said premises, and out of

To be advertised and sold.

the proceeds of such sale pay to such execution debtor the said sum of fifteen hundred dollars, and apply the balance on such execution.

Articles ex-
empt from exe-
cution.

§ 13. The following articles of personal property, owned by the debtor, shall be exempt from execution, writ of attachment and distress for rent, viz:

First—The necessary wearing apparel of every person.

Second—One sewing machine.

Third—The furniture, tools and implements of any person necessary to carry on his trade or business, not exceeding one hundred dollars in value.

Fourth—The implements or library of any professional man, not exceeding one hundred dollars in value.

Fifth—Materials and stock designed and procured by him and necessary for carrying on his trade or business, and intended to be used or wrought therein, not exceeding one hundred dollars in value.

When debtor
is head of fam-
ily.

And also, when the debtor is the head of a family and resides with the same, the following property:

First—Necessary beds, bedsteads and bedding, two stoves and pipe.

Second—Necessary household furniture, not exceeding in value two hundred dollars.

Third—One cow, two swine, two sheep for each member of the family and the fleeces taken from the same, and the yarn and cloth that may be manufactured from the same.

Fourth—One yoke of oxen, or two horses in lieu thereof, worth not exceeding two hundred and fifty dollars, with the harness therefor.

Fifth—Necessary provisions and fuel for the use of the family for three months, and necessary food for the stock hereinbefore exempted, for the same time.

Sixth—The bibles, school books and family pictures.

Seventh—The family library.

Eighth—Cemetery lots or rights of burial and tombs for repositories for the dead.

Ninth—One hundred dollars' worth of other property suited to his condition in life, selected by the debtor.

Value in money.

§ 14. Whenever the debtor has not any or all of the specific articles hereinbefore exempted, he may elect others of equal value, in their stead, or he may retain the value thereof in money, if he shall so elect.

Removal of
residence.

§ 15. Such personal property shall continue so exempt while the family of such person, or any of them, are removing from one place of residence to another in this state.

Family to re-
ceive benefits.

§ 16. When the head of a family shall die, desert, or not reside with the same, the family shall be entitled to and receive all the benefits and privileges which are in this act conferred upon the head of a family residing with the same.

Purchase mo-
ney of property.

§ 17. The personal property hereinbefore mentioned shall not be exempt from an attachment or execution issued

in an action to recover the purchase money for the same property.

§ 18. If any officer, by virtue of any execution or other process, or any other person, by any right of distress, shall take or seize any of the articles of property hereinbefore exempted from levy and sale, such officer or person shall be liable to the party injured for three times the value of the property illegally taken or seized, to be recovered by action of trespass, with costs of suit. Liability for seizure.

§ 19. The following acts and parts of acts are hereby repealed: An act entitled "An act to exempt homesteads from sale on execution," approved February 11, 1851. An act entitled "An act to amend 'an act to exempt homesteads from sale on execution'," approved February 17, 1857. An act entitled "An act to provide for the exemption of insurance money on homesteads," approved February 21, 1861. Sections thirty-two, thirty-three and thirty-four, of chapter fifty-seven, of the Revised Statutes of 1845, entitled "Judgments and Executions." An act entitled "An act concerning the exemption of personal property from levy or forced sale on execution or other process," approved February 22, 1861. And all other acts and parts of acts inconsistent with the provisions of this act. But this section shall not be construed so as to affect any rights that may have accrued, or any suits or proceeding that may be pending when this act shall take effect. Acts repealed.

APPROVED March 22, 1872.

HOUSES OF CORRECTION.

AN ACT to establish houses of correction, and authorize the confinement of convicted persons therein. In force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the municipal authorities of any city within this state to establish a house of correction, which shall be used for the confinement and punishment of criminals, or persons sentenced or committed thereto under the provisions of this act, or any law of this state, or ordinance of any city authorizing the confinement of convicted persons in any such house of correction. Cities to establish.

§ 2. The management and direction of any house of correction already established or which may hereafter be established in any such city, shall be under the control and Board of inspectors.

authority of a board of inspectors, to be appointed for that purpose as in this section directed. The mayor of said city shall, by virtue of his office, be a member of said board, who, together with three persons to be appointed by the mayor, by and with the advice and consent of the legislative authority of said city, shall constitute the said board of inspectors. The term of office for the appointed members of said board shall be three years, but the members first appointed shall hold their office, respectively, as shall be determined by lot at the first meeting of said board, for one, two and three years from and after the first Monday in May, in the year of our Lord one thousand eight hundred and seventy-one, and thereafter one member shall be appointed each year for the full term of three years.

Rules, regulations and discipline.

§ 3. That whenever a board of inspectors have been organized as in section second of this act directed, they shall have power and authority to establish and adopt rules for the regulation and discipline of the said house of correction, for which they have respectively been appointed, and upon the nomination of the superintendent thereof, to appoint the subordinate officers, guards and employes thereof; to fix their compensation and prescribe their duties generally; to make all such by-laws and ordinances in relation to the management and government thereof, as they shall deem expedient. No appropriation of money shall be made by the said board of inspectors for any purpose other than the ordinary and necessary expenses and repairs of said institution, except with the sanction of the legislative authority of said city.

Powers and duties of inspectors.

§ 4. Said inspectors shall serve without fee or compensation. There shall be a meeting of the entire board, at the house of correction, once in every three months, when they shall fully examine into the management in every department, hear and determine all complaints or questions not within the province of the superintendent to determine, and make such further rules and regulations for the good government of said house of correction as to them shall seem proper and necessary. One of said appointed inspectors shall visit the said house of correction, once at least, in each month. All rules, regulations or other orders of said board shall be recorded in a book to be kept for that purpose, which shall be deemed a public record, and with the other books and records of said house of correction, shall be at all times subject to the examination of any member or committee of the legislative authority, the comptroller, treasurer, corporation counsel or attorney of any such city.

Books and accounts to be kept.

§ 5. The books of said house of correction shall be so kept as to clearly exhibit the state of the prisoners, the number received and discharged, the number employed as servants or in cultivating and improving the premises, the number employed in each branch of industry carried on,

and the receipts from, and expenditures for, and on account of each department of business or for improvement of the premises. A quarterly statement shall be made out, which shall specify, minutely, all receipts and expenditures, from whom received and to whom paid, and for what purpose, proper vouchers for each to be audited and certified by the inspectors, and submitted to the comptroller of said city and by him to the legislative authority thereof for examination and approval. The accounts of said house of correction shall be annually closed and balanced on the first day of January of each year, and a full report of the operations of the preceding year shall be made out and shall be submitted to the legislative authority of said city, and to the governor of the state, to be by him transmitted to the general assembly, and such report shall be published in the corporation newspaper thereof.

§ 6. The legislative authority of said city may require such further reports and exhibits of the condition and management of such institution as to them shall seem necessary and proper, and may with the approval of the mayor remove any inspector of said institution. But any subordinate officer or employè may be removed by the superintendent at his discretion, but immediately upon the removal of such officer or employè he shall report to said board the name of the person removed, and the cause of such removal.

Further reports, removing officers.

§ 7. The superintendent of the said house of correction shall have entire control and management of all its concerns, subject to the authority established by law, and the rules and regulations adopted for its government. It shall be his duty to obey and carry out all written orders and instructions of the inspectors not inconsistent with the laws, rules and regulations relating to the government of said institution. He shall be appointed by the mayor by and with the consent of said board of inspectors, and shall hold his office for four years and until his successors shall have been duly appointed and qualified, but he may be removed by the inspectors at any time, when in their judgment it shall be advisable. He shall be responsible for the manner in which said house of correction is managed and conducted. He shall reside at said house of correction, devote all his time and attention to the business thereof, and visit and examine into the condition and management of every department thereof and of each prisoner therein confined, daily. He shall exercise a general supervision and direction in regard to the discipline, police and business of said house of correction. The deputy superintendent of said house of correction shall have and exercise the powers of the superintendent in his absence, so far as relates to the discipline thereof and the safe keeping of prisoners.

Powers and duties of the superintendent.

§ 8. The board of supervisors or commissioners of any county in this state shall have full power and authority to

Agreement made with counties.

enter into an agreement with the legislative authority of such city or with any authorized agent or officer in behalf of said city, to receive and keep in said house of correction any person or persons who may be sentenced or committed thereto by any court or magistrate in any of said counties, for any term not less than thirty days. Whenever such agreement shall have been made, it shall be the duty of the board of supervisors or commissioners for any county in behalf of which such agreement shall have been made, to give public notice thereof in some newspaper printed and published within said county, for a period not less than four weeks, and such notice shall state the period of time for which such agreement will remain in force.

County con-
victs committed

§ 9. In counties having such agreement with any such city, it shall be the duty of every court, police justice, justice of the peace, or other magistrate in such county by whom any person, for any crime or misdemeanor punishable by imprisonment in the county jail, shall be convicted, to commit such person to the said house of correction, in lieu of committing him to the county jail, there to be received and kept in the manner prescribed by law and the discipline of said house of correction. And it shall be the duty of such court, police justice, justice of the peace or other magistrate, by a warrant of commitment, duly issued, to cause such person so sentenced to be forthwith conveyed by some proper officer to said house of correction.

Transportation
of convicts.

§ 10. It shall be the duty of the sheriff, constable or other officer in and for any county having such agreement with any such city to whom any warrant of commitment for that purpose may be directed by any court, justice or magistrate aforesaid, in such county, to convey such person so sentenced to the said house of correction, and there deliver such person to the keeper or other proper officer of said house of correction, whose duty it shall be to receive such person so sentenced, and to safely keep and employ such person for the term mentioned in the warrant of commitment, according to the laws of said house of correction; and the officers thus conveying and so delivering the person or persons so sentenced shall be allowed such fees, as compensation therefor, as shall be prescribed or allowed by the board of supervisors or commissioners of the said county.

Former laws
modified.

§ 11. All provisions of law and ordinances authorizing the commitment and confinement of persons in jails, bridewells and other city prisons, are hereby made applicable to all persons who may or shall be, under the provisions of this act, sentenced to such houses of correction.

Houses of shel-
ter.

§ 12. It shall be lawful for the inspectors of any such house of correction to establish in connection with the same a department thereof, to be called a house of shelter, for the more complete reformation and education of females. The inspectors shall adopt rules and regulations by which

any female convict may be imprisoned in one or more separate apartments of the said house of correction, or of the department thereof called the house of shelter. The superintendent of said house of correction shall appoint, by and with the advice of the board of the board of inspectors, a matron and other teachers and employes for the said house of shelter, whose compensation shall be fixed and provided for as in this act provided for the officers and other employes of the said house of correction.

§ 13. The expenses of maintaining any such house of correction over and above all receipts for the labor of persons confined therein, and such sums of money as may be received from time to time by virtue of an agreement with a county, as in this act contemplated, shall be audited and paid from time to time by the legislative authority of such city, and shall be raised, levied and collected as the ordinary expenses of the said city. Payment of expenses.

§ 14. It shall be lawful for the inspection of any such house of correction to enter into an agreement with any officer of the United States authorized therefor, to receive and keep in such house of correction any person sentenced thereto, or ordered to be imprisoned therein, by any court of the United States or other federal officer, until discharged by law. United States convicts.

§ 15. That in any such city having, prior to the passage of this act, established a bridewell for the confinement of convicted persons, such institution shall, immediately upon the appointment of the inspectors in this act contemplated, be known and denominated as the house of correction of the city in which it is located. The present bridewells.

§ 16. The superintendent of any such house of correction shall receive a salary per annum, to be fixed by the legislative authority of such city, to be paid quarterly. It shall be his duty to keep a record of each and all infractions of the rules and discipline of said house of correction, with the names of each, the convict offending, and the date and character of each offense, and every convict sentenced or committed for six months or more, whose name does not appear upon such record, shall be entitled to a deduction of three days per month from his or her sentence, for each month he or she shall continue to obey all the rules of said house of correction. Salary, records of discipline.

§ 17. The inspectors of any such house of correction, and the superintendent thereof, shall, before they enter on the duties of their respective offices, take and subscribe the usual oath of office. Said inspectors and superintendent shall severally give bond to such city with sureties, and in a penal sum such as may be required by the legislative authority thereof, for the faithful performance of their duties. Official oath and bond.

§ 18. That all laws in conflict with this act are hereby repealed.

APPROVED April 25, 1871.

HUNTING.

In force July 1, 1871. AN ACT to prohibit persons from hunting within the enclosures of others, without leave.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be unlawful for any person or persons to hunt with gun, dog or net, within the enclosed grounds or lands of another, without first obtaining from the owner, agent or occupant of such enclosed grounds or lands, his, her or their permission so to do.

Permission from the owner. § 2. Any person or persons violating section one of this act shall be deemed guilty of a misdemeanor, and may be prosecuted in the name of the people, before any justice of the peace, or by indictment or information in any court in the county where said misdemeanor was committed; and in all such prosecutions the owner or owners, or persons in possession of said enclosures, shall not be required to prove title to the enclosures in controversy.

Punishment of offenders. § 3. Any person convicted of violating section one of this act shall be fined in a sum not less than three dollars, and not exceeding one hundred dollars. All fines collected by virtue of this act shall be paid into the common school fund of the township in which the offense is committed.

Fines. APPROVED April 15, 1871.

IMPROVEMENTS.

In force July 1, 1872. AN ACT in relation to the Little Wabash river improvement, and to legalize certain acts of the canal commissioners therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all moneys heretofore received by the canal commissioners as tolls or rents, from the Little Wabash river improvement, and all tolls or rents that may hereafter be received from same by such commissioners, trustees or agents, as may, by law, be entitled to collect and receive such tolls and rents, shall be paid into the state treasury as revenue fund received from said improvement: *Provided,* that said commissioners are hereby authorized to expend such portion of

Tolls and rents to be paid into treasury.

said tolls and rents as may be necessary for improving and keeping in repair said improvements.

§ 2. The canal and river improvement commissioners, or their successors in office, are hereby authorized to lease any portion of the land acquired from the Little Wabash Navigation and Manufacturing Company, situated in White and Gallatin counties, as they, in their judgment, may think best. The sale of the mill, situated on said land, to James Ford and A. Hess, and the contract for the construction of protection piers made with said Ford and Hess, by the canal commissioners, is hereby legalized and confirmed.

Commissioners
to lease lands.

APPROVED March 8, 1872.

AN ACT to repeal "An act to amend an act to levy and make certain improvements on the Wabash river and its tributaries," approved February 16, 1865, and the same, approved March 7, 1867. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all of an act approved March seventh, in the year of our Lord one thousand eight hundred and sixty-seven, entitled "An act to amend an act to levy and make certain improvements on the Wabash river and its tributaries," approved February sixteenth, one thousand eight hundred and sixty-five, be and the same is hereby repealed.

APPROVED January 5, 1872.

INCORPORATED COMPANIES.

AN ACT to provide for changing the names, for changing the places of business, for increasing or decreasing the capital stock, for increasing or decreasing the number of directors, and for the consolidation of incorporated companies. In force March 26, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever the board of directors, managers or trustees of any corporation existing by virtue of any general or special law of this state, or any corporation hereafter organized by virtue of any law of this state, may desire to change the name, to change the place of business, to increase or decrease the capital stock, to increase or decrease the number of direc-

Special meet-
ing of stock-
holders.

tors, managers or trustees, or to consolidate said corporation with any other corporation now existing, or which may hereafter be organized, they may call a special meeting of the stockholders of such corporation, for the purpose of submitting to a vote of such stockholders the question of such change of name, change of place of business, increase or decrease of number of directors, managers or trustees, increase or decrease of capital stock, or consolidation with some other corporation, as the case may be: *Provided*, that in changing the name of any corporation, under the provisions hereof, no name shall be assumed or adopted by any corporation similar to, or liable to be mistaken for, the name of any other corporation organized under the laws of this state, without the consent of such other corporation; and that in no case shall the capital stock be diminished to the prejudice of the creditors of such corporation, or the number of directors, managers or trustees be reduced to less than five, or increased to more than eleven: *And, provided, further*, that no corporation shall, by virtue hereof, change its place of business from any town, county or municipality where such town, county or municipality, or any of the inhabitants thereof, or any person or persons interested therein, shall have donated or in any manner contributed any money or other valuable thing to induce such corporation to locate in such town, county or municipality: *And, provided, further*, that the provisions of this act, in reference to the consolidation of corporations, shall only apply to corporations of the same kind, engaged in the same general business, and carrying on their business in the same vicinity, and that no more than two corporations now existing shall be consolidated into one, under the provisions hereof.

Notice of meeting.

§ 2. Such special meeting shall be called by delivering personally, or depositing in the post office, at least thirty days before the time fixed for such meeting, a notice, properly addressed to each stockholder, signed by a majority of said directors, managers or trustees, stating the time, place and object of such meeting. A general notice of the time, place and object of such meeting shall also be published, for three successive weeks, in some newspaper printed in or nearest the county in which the principal business office of said corporation is located.

Vote of stockholders.

§ 3. At any such meeting, stockholders may vote in person or by proxy—each stockholder being entitled to one vote for each share of stock held by him; and votes representing two-thirds of all the stock of the corporation shall be necessary for the adoption of the proposed change of name, place of business, number of directors, managers or trustees, amount of capital stock, or consolidation with some other company.

§ 4. If, at any regular annual meeting, or at the time and place specified in said notice of a special meeting called for that purpose, said propositions, or any of them, be submitted to a vote, and if it shall appear that two-thirds of all the votes represented by the whole stock of such corporation are in favor of the propositions or of any of them, so submitted, a certificate thereof, verified by the affidavit of the president and under seal of said corporation, shall be filed in the office of the secretary of state, and a like certificate filed for record in the office of the recorder of deeds of the county where the principal business office of such corporation is located. And upon the filing of said certificate, the changes proposed and voted for at such meeting, as to name, place of business, increase or decrease of capital stock, or number of directors, managers or trustees, or consolidation with some other company, shall be and is hereby declared accomplished in accordance with said vote of the stockholders: *And, provided, further*, that any corporation, other than corporations for manufacturing purposes, availing itself of or accepting the benefits of, or formed under this act (except the mere change of name), shall be subject to the general laws of this state now in force, or which may hereafter be passed, regulating corporations of like character.

Certificate of
vote to be filed.

§ 5. Such corporations shall, upon the filing of said certificate, cause to be published in some newspaper in, or nearest the county in which their principal office is located, a notice of such changes of organization, for three successive weeks.

Notice of
changes.

§ 6. Corporations, not being stock companies, may avail themselves of all the privileges and provisions of this act, by a majority vote of the members of such corporations who may be present at a meeting called for any of the purposes included in this act.

Other corpora-
tions.

§ 7. Such change of name, place of business, increase or decrease of capital stock, increase or decrease of number of directors, managers or trustees, or consolidation of one corporation with another, shall not affect suits pending, in which such corporation or corporations shall be parties; nor shall such changes affect causes of action, nor the rights of persons in any particular; nor shall suits brought against such corporation by its former name be abated for that cause.

Pending suits.

§ 8. Whenever any railroad corporation shall desire to consolidate with any other railroad corporation, by virtue of the provisions of this act, a notice, as provided by section two of this act, shall be given at least sixty days before the time fixed for such meeting, and a general notice, as provided by said section two, shall be published for nine successive weeks: *Provided*, that railroad corporations shall not

Consolidation
of railroad com-
panies.

consolidate their stock, property or franchises with any other railroad corporation owning a parallel or competing line.

Emergency.

§ 9. Whereas a large number of corporations in this state desire to change their names, and in other respects to comply with the terms of this act, whereby an emergency has arisen as a reason why this act should take effect forthwith: therefore this act shall take effect and be in force from and after its passage.

APPROVED March 26, 1872.

INSOLVENT DEBTORS.

In force July 1,
1872.

AN ACT concerning insolvent debtors.

County courts
to have juris-
diction.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county courts shall have exclusive original jurisdiction in their respective counties in all applications for discharge from arrest or imprisonment under the provisions of this act, and shall be held to be always open and in session for the hearing of such applications.

Release from
arrest.

§ 2. When any person is arrested or imprisoned upon any process issued for the purpose of holding such person to bail upon any indebtedness, or in any civil action when malice is not the gist of the action, or when any debtor is surrendered or committed to custody by his bail in any such action, or is arrested or imprisoned upon execution in any such action, such person may be released from such arrest or imprisonment upon complying with the provisions of this act.

Application for
discharge — no-
tice.

§ 3. When any such debtor shall desire to make application to be discharged under the provisions of this act, he shall give reasonable notice of his intended application, to the creditor at whose instance he was arrested or imprisoned, or to his agent or attorney, if in the county; if not, to the officer who made the arrest. Reasonable notice shall be not less than one hour before such application, and time for travel at the rate of not less than one day for every twenty-four miles' travel.

Duty of officer.

§ 4. At the time appointed in such notice, it shall be the duty of the officer in whose custody the debtor shall be, to convey him before the judge of the county court of the county in which the debtor is arrested or imprisoned.

Charge of fraud.

§ 5. When any debtor is arrested or imprisoned for debt upon charge of fraud, or upon execution on the charge of

refusal to surrender his estate for the payment of any judgment, he shall be entitled, upon giving notice as provided in section three of this act, to have the question, whether he is guilty of such fraud, or has refused to surrender his estate, tried by a jury, who may be summoned, tried, and selected for that purpose. If the jury shall find the debtor "not guilty" of such fraud, or refusal, as the case may be, the debtor shall be discharged from the arrest or imprisonment, and the creditor at whose instance he was arrested or imprisoned shall be adjudged to pay the costs of the arrest or imprisonment and of such proceeding. If the debtor shall be found "guilty" of such fraud or refusal, he shall be remanded to the custody of the proper officer; but such finding shall not prevent his availing himself of the other provisions of this act.

§ 6. When a debtor is brought before the judge of the county court, and is not discharged pursuant to the preceding section, the judge shall require of him a full, fair and complete schedule of all his estate, real or personal, including money, notes, bonds, bills, obligations and contracts for money or property of any and every description or kind, name or nature whatsoever, together with a true and perfect account of all the debts which he shall or may be owing at the time; which schedule shall be subscribed by the debtor, who shall also take and subscribe the following oath or affirmation, to-wit:

Schedule of
debtor's estate.

I do solemnly swear (or affirm, as the case may be,) that the schedule now delivered, and by me subscribed, contains, to the best of my knowledge and belief, a full, true and perfect account and discovery of all the estate, lands, tenements, hereditaments, goods, chattels and effects unto me in anywise belonging, and such debts as are unto me owing, or unto any person or persons for me, or in trust for me, and of all securities and contracts whereby any money may become due or payable, or any advantage or benefit accrue to me or to my use, or to any person or persons for me or in trust for me; that I have not lands, money or any other estate, real or personal, in possession, reversion or remainder, which is not set forth in this schedule; nor have I, at any day or time, directly or indirectly, sold, lessened in value, or otherwise disposed of, all or any part of my lands, money, goods, stock, debts, securities, contracts or estate, whereby to secure the same, or to receive, or expect to receive, any profit or advantage therefrom, to defraud any creditor or creditors, to whom I am indebted in anywise whatsoever; and also, that this schedule contains a true and perfect account of all the debts that I owe to any and every person whatsoever.

Oath.

§ 7. Any creditor of such debtor shall have the right to appear before the court and contest the truth of such schedule, and may, for that purpose, examine the debtor and call such witnesses as he shall deem necessary; and the court shall issue subpoenas and compel the attendance of witnesses as in other cases.

Contest of
truth of sched-
ule.

§ 8. The court may adjourn any hearing from time to time, not exceeding thirty days at any one time, and may remand the debtor into the custody of the officer, or allow the debtor to give bond for his appearance in such sum and upon such security as shall be approved by the court, which

Adjournment
of hearing.

bond shall be payable to the People of the State of Illinois, and be conditioned that the debtor will appear at the time to which the hearing is adjourned, and from time to time until the same is concluded; and will make due assignment of all his estate, lands, tenements, hereditaments, goods, chattels and effects, not exempt from execution, and deliver the same to his assignee, if one shall be appointed by the court; or, in case he shall not be allowed to make such assignment, will surrender himself to the officer into whose custody he may be ordered by the court, and abide the order of the court. Upon a breach of such bond, it may be put in suit by any person interested therein, for his use, and at his expense.

Assignment of
estate.

§ 9. If, after full investigation, it shall appear to the court that the debtor has made a full, fair and complete schedule of all his estate, and all debts which he may be owing at the time, as required by section five of this act, and has not fraudulently conveyed, concealed or otherwise disposed of some part of his estate, with a design to secure the same to his own use, or defraud his creditors; or has not willfully misused or expended his goods or estate, or some part thereof, for the purpose of defrauding his creditors, it shall be the duty of the court to designate and set out to the debtor such property mentioned in the schedule as is exempt from execution, and to appoint some fit person to act as assignee of the debtor; and such debtor shall immediately, by indorsement upon the back of such schedule, and otherwise, as the court may direct, assign to such person all his said estate, except such as is designated as aforesaid, as exempt from execution; or so much of such estate as may be sufficient to pay all the debts, interest, costs and charges in such schedule mentioned.

Interest to vest
in assignee.

§ 10. Such assignment shall absolutely vest in such assignee all the interest of such debtor in and to the estate so assigned, for the use of the creditors of such debtor, and such assignee shall have full right to sue for and recover the same in his own name as such assignee, and redeem all mortgages, conditional contracts, pledges, and liens of or upon any goods or estate of the debtor, so assigned, or sell the same subject to such mortgage or other incumbrance.

Receipt of as-
signee.

§ 11. Whenever the said debtor shall produce to the court the receipt of the assignee of such debtor, certifying that he has received all the estate so assigned to him, together with the evidences of indebtedness to, and the books of account of such debtor, if any, showing the accounts owing to such debtor, the court shall enter an order discharging such debtor from arrest or imprisonment.

Order of dis-
charge.

§ 12. On the production of a copy of such order, certified under the seal of the court, the officer having the custody of such debtor shall forthwith liberate such debtor from arrest or imprisonment.

§ 13. The assignee shall forthwith cause the assignment or such other conveyance as shall be made to him on such assignment, to be recorded in the recorder's office of every county in which there may be real estate of the debtor on which it may operate.

Assignment to be recorded.

§ 14. If the estate so assigned shall, in the opinion of the court, be of sufficient value to justify further proceedings in regard thereto, an order shall be entered fixing a time when demands may be proved against the estate of such debtor, and requiring the assignee to give notice to the creditors of such debtor of such assignment, and of the time and place when and where they may appear and prove their demands, which notice shall be given by personal service, or by mail or otherwise, as the court shall direct.

Demands ag't estate.

§ 15. If any creditor shall, at or before the time appointed, file with the clerk of the court his demand, verified by the affidavit of some person knowing the facts, stating the nature and amount of the demand, and that the amount claimed is justly owing to him by the debtor, after allowing all payments and offsets, the same shall be allowed, unless it shall be contested by some person interested in such estate, when further evidence may be required.

Demands to be filed.

§ 16. Any creditor who shall not have been notified of the intended application of his debtor to take the benefit of this act, may, at any time within one year after the discharge of the debtor under the provisions of the foregoing sections, petition the court, under oath, for permission to re-examine the debtor touching the fairness of his schedule; and if the court shall be satisfied, from such petition, that there is good reason to believe that the debtor had other estate which he ought to have assigned, it shall cause the debtor to be cited to appear before the court at a time to be fixed in the citation, to show cause why he should not make a further assignment of his estate. Upon the hearing, like proceedings may be had as in the case of the original assignment. In case the court shall find that the debtor has other property which he ought to have assigned, it shall enter an order requiring the debtor to make an assignment thereof; and if the debtor shall fail to obey such citation or to make such assignment, and deliver such property to the assignee, he may be proceeded against as for a contempt, and shall be liable to arrest at the suit of any creditor, notwithstanding his original discharge.

Re-examination of debtor.

§ 17. The assignee shall forthwith proceed to collect such demands as may have been assigned to him, and as soon as may be, consistently with the interest of the creditors, sell all the estate so assigned, both real and personal, including such claims as are not collectable by reasonable diligence. He may make such sale in the manner and upon such terms as he shall deem most for the interest of the

Duties of the assignee.

creditors; but the court may make such order concerning the time, place and manner of sale of the whole or any part of such estate, as will, in its opinion, promote the interests of the creditors.

Lands or tenements sold.

§ 18. It shall be the duty of every assignee who shall sell any lands or tenements under authority of this act, upon payment of the purchase money being made by the purchaser, to make and execute to such purchaser, his heirs, executors, administrators or assigns, a deed of conveyance for the same, which shall be acknowledged in the same manner as deeds are acknowledged by sheriffs, and such deed shall vest in the purchaser all the rights of the assignor in such lands and tenements.

Accounts to be kept.

§ 19. The assignee shall keep a regular account of all money received by him as assignee, to which all persons interested therein shall, at all reasonable times, have access, and the court may call upon him to account to it as often as it shall think for the interest of the estate.

Removal of assignee.

§ 20. The court, after due notice and hearing, may remove an assignee if it is made to appear, upon the complaint of any person interested in the estate, that the assignee has fraudulently received, concealed, embezzled or conveyed away any of the money, goods, effects or other estate assigned to him, or in any manner misbehaved in regard thereto, and may appoint another in his stead, or in the place of any deceased assignee, and may, at any time, when it shall think best for the interests of the estate, require the assignee to give bond with sufficient security, and remove the assignee for a failure to comply with such requirement. In all cases of the appointment of a new assignee the court may compel all necessary conveyances and transfers to be made to him.

Settlement of estate.

§ 21. It shall be the duty of every assignee of any insolvent debtor, within eighteen months after such assignment, to make a settlement of the estate of such insolvent debtor before the court, giving thirty days' public notice of the time of making such settlement—and the court shall make such order concerning the distribution thereof as is made in cases of insolvency of deceased persons; and such assignee shall pay the creditors of such insolvent debtor the amount of their several dividends, within thirty days after such settlement. And if the whole amount of debts shall not have been collected at the time of making such settlement, then such assignee shall continue to collect such outstanding debts, and from time to time make dividends of such sums as shall come to his possession, until the whole is collected and paid, first deducting such charges and fees as are by law allowed; and if anything shall remain in the hands of any such assignee, after paying all such debts as shall have been proved, as hereinbefore provided, together

with the cost thereon, then such assignee shall pay over the same to the said debtor, his heirs, executors, administrators or assigns.

§ 22. The court may allow every assignee, who shall be appointed under the provisions of this act, such compensation as shall be reasonable and just for the services which he shall be necessarily called upon to perform in the discharge of his duties as assignee. Compensation of assigns.

§ 23. The clerk of the county court, and other officers, shall be allowed the same fees for services rendered by authority of this act, as are allowed for like services in other cases. Fees.

§ 24. In case of the insolvency of the judge of a county court, the same proceedings may be had in regard to him in the circuit court as are prescribed for other debtors in the county court. Circuit court.

§ 25. Any debtor who shall be discharged under this act, upon assignment, and who shall have acted honestly and without fraud, shall, so long as the order of discharge shall remain in force, and not vacated according to law, be discharged and exempted from arrest or imprisonment upon the demand or judgment upon which he was arrested or imprisoned, and upon all debts that he may owe at the time of obtaining such discharge, and are mentioned in the schedule hereinbefore required to be made or proved against him. The certified copy of the order of discharge shall be evidence in all courts and places. Copy of order of discharge—evidence.

§ 26. Any debtor or creditor who may feel himself aggrieved by any final order or judgment of the county court under the provisions of this act, may, at any time within ten days from the entering of such order or judgment, appeal to the circuit court of the county, upon giving bond in such amount and with such security as shall be approved by the county court. If the appeal is taken by the creditor, the bond shall run to the debtor, and be conditioned to prosecute such appeal with effect, and pay all costs and damages that may accrue to the person seeking such discharge. If taken by the debtor, the bond shall run to the People of the State of Illinois, and be conditioned that he will prosecute his said appeal with effect, and in case the appeal is dismissed, or the order or judgment of the county court is affirmed, in whole or in part, he will perform the same and will appear before and abide the whatever decision the circuit court shall make in the premises, and pay all costs that may be awarded against him; and also that he will not sell or dispose of any of his estate pending such appeal, but that the same shall be forthcoming and subject to the order of the county court. Upon a breach of such bond it may be put in suit by any person interested therein, for his use and at his expense. Appeals to circuit court.

Copy of judgment to be filed.

§ 27. The appellant shall file in the office of the clerk of the circuit court a certified copy of the record of proceedings and order, or judgment appealed from, on or before the first day of the succeeding term of the circuit court: *Provided*, ten days shall intervene between the time of praying such appeal and the sitting of such court; but if that time shall not so intervene, then by the tenth day of the same term. If the record shall not be so filed the appeal shall be dismissed, unless further time is given therefor by the court, upon good reason shown why the same could not be filed in the time aforesaid.

Circuit court to hear and determine.

§ 28. The circuit court shall, at the term to which the appeal is taken (unless for good cause), proceed to hear and determine the matter, and, at the request of either party, impanel a jury to find the facts. The circuit court may affirm or reverse the order or judgment of the county court, in whole or in part, and give such directions to the county court in the premises as shall be according to equity and justice, and make all necessary orders in the premises. Upon the filing of a certified copy of the order of the circuit court, directing further proceedings in the county court, the cause shall proceed therein in conformity therewith.

Sale of property

§ 29. No assignee shall sell any property assigned to him by any debtor as aforesaid, during the pendency of any appeal to the circuit court, unless the same be of a perishable nature, and such as will be materially injured in its value by delay.

Jailer or sheriff's fees.

§ 30. In all cases where any person is committed to the jail of any county upon any writ [of] *capias ad respondendum* or *capias ad satisfaciendum* issued in any suit, it shall be the duty of the creditor in such writ to pay the keeper of the jail or sheriff his fees for receiving such person, and his board for one week at the time the debtor is committed to jail and before the jailer shall be bound to receive the debtor, and in default of such payment, the debtor may be discharged: *Provided*, the officer having such debtor in charge shall give reasonable notice to the creditor or his agent or attorney, if within the county, that such debtor is about to be committed to jail on such writ.

Board to be advanced each week.

§ 31. Should the debtor be detained in jail under such writ for more than one week, it shall be the duty of the creditor, at the commencement of each week, to advance to such jailer the board of the debtor for the succeeding week, and in default of such payment in advance, the debtor may be discharged by such jailer. In case the debtor shall not be detained in such jail for any week for which his board may have been paid in advance, the jailer shall return to the creditor, or his agent or attorney, the amount so advanced for and unexhausted in boarding.

Amount to be indorsed on writ

§ 32. The amount paid by any creditor (under the provisions of this act) to the jailer, shall be indorsed by the

same on the writ on which the debtor was committed, and shall be charged against and collected of the debtor as part of the costs in the suit in which the writ issued.

§ 33. The discharge of any person under the foregoing provision of this act, shall be no discharge or satisfaction of the demand, judgment or costs upon which he was arrested or imprisoned, or any debt mentioned in such schedule, but the same may be enforced against the property of such discharged person. Discharge.

§ 34. In any case where the defendant arrested upon final process shall not be entitled to relief under the provisions of this act, if the plaintiff will advance the jail fees and board in manner hereinbefore provided, the defendant may be imprisoned at one dollar and fifty cents per day, until the judgment shall be satisfied, and the officer making the arrest shall indorse the execution "satisfied in full by imprisonment." Imprisonment of defendant.

§ 35. Any person who shall be convicted of taking a false oath in any proceeding under this act, shall be deemed guilty of willful perjury, and on conviction shall suffer the pains and penalties enforced by law therefor. Perjury.

§ 36. The following acts are hereby repealed. Chapter fifty-two, of the Revised Statutes of 1845, entitled "Insolvent Debtors;" an act entitled "An act for the further restriction of imprisonment for debt," approved February 28, 1845; an act entitled "An act in relation to commitments to jail upon writs of ca. sa." approved February 12, 1853; an act entitled "An act to amend chapter fifty-two, of the Revised Statutes of 1845, entitled 'Insolvent Debtors,'" approved February 21, 1861; an act entitled "An act declaring county courts at all times in session to hear and determine certain cases," approved February 22, 1861. This section shall not be construed to affect any proceedings pending or rights which shall have accrued under the acts repealed at the time this act shall take effect. Acts repealed.

APPROVED April 10, 1872.

INSURANCE COMPANIES.

AN ACT to incorporate and to govern mutual fire insurance companies in townships. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That any number of persons, not less than twenty-five, residing in any congressional or political township, or in one or more* Who may form company.

adjoining congressional or political townships in this state, [not] exceeding three in number, and without regard to county lines, who collectively shall own property of not less than fifty thousand dollars in value, which they desire to have insured, may form an incorporated company for the purpose of mutual insurance against loss or damage by fire, which corporation shall possess the usual powers and be subject to the usual duties of corporations, and the corporate name whereof shall embrace the name of the township in which the business office of said company is located.

Declaration of
intention to be
filed.

§ 2. Such persons shall file with the insurance commissioner a declaration of their intention to form a company for the purposes expressed in the preceding section, which declaration shall be signed by all the corporators, and shall comprise a copy of the charter proposed to be adopted by them. Said charter shall set forth the name and intended duration of the company, and if it is found conformable to this act, and not inconsistent with the laws and constitution of this state, the commissioner shall thereupon deliver to such persons a certified copy of the charter, which, on being filed in the office of the clerk of the county court where the office of such company is to be located, shall be their authority to organize and commence business. Such certified copy of the charter may be used in evidence for or against said company, with the same effect as the original.

By-laws.

§ 3. The corporators or directors shall have power to make such by-laws, not inconsistent with the constitution or laws of this state, as may be deemed necessary for the management of its affairs, in accordance with the provisions of this act; also, to prescribe the duties of its officers and fix their compensation, and to alter and amend its by-laws when necessary.

Directors.

§ 4. Any company so organized shall elect, in accordance with section three of article eleven of the state constitution, nine of their number as directors, five of whom shall constitute a quorum, to do business, and such directors shall elect of their number a president and a treasurer. They shall also elect a secretary, who may or may not be a member of the company; all of whom shall hold their offices for the term of one year, and until their successors are elected and qualified. The treasurer and secretary shall each give bonds to the company for the faithful performance of their duties, in such amounts as shall be prescribed by the board of directors.

Policies of in-
surance.

§ 5. Such company may issue policies only on detached dwellings, farm barns, and such property as may properly be contained therein, for any time not exceeding five years, and not to extend beyond the limited duration of the charter, and for an amount not to exceed three thousand dollars on any one risk. All persons so insured shall give their obligations to the company, binding themselves, their heirs

and assigns to pay their *pro rata* share to the company of the necessary expenses and of all losses by fire which may be sustained by any member thereof, during the time for which their respective policies are written; and they shall, also, at the time of effecting the insurance, pay such percentage in cash, and such other charge as may be required by the rules or by-laws of the company.

§ 6. Every member of such company who may sustain loss or damage by fire, shall immediately notify the president of such company, or in case of his absence, the secretary thereof, who shall forthwith convene the directors of such company, whose duty it shall be, when convened, to appoint a committee of not less than three members of such company, to ascertain the amount of such loss; and in case of the failure of the parties to agree upon the amount of such damage, the claimant may appeal to the judge of the county court, of the county in which the office of such company is located, whose duty it shall be to appoint three persons as a committee of reference, who shall have full authority to examine witnesses, and to determine all matters in dispute, and shall make their award in writing to the president of such company, and such award shall be final. The pay of said committee shall be two dollars per day for each day's service so rendered, and four cents for each mile necessarily traveled in the discharge of their duties, which shall be paid by the claimant, unless the award of said committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case said expenses shall be paid by the company.

In case of loss
or damage by
fire.

§ 7. Any such company may classify the property insured therein at the time of issuing policies thereon, under different rates, corresponding as nearly as may be to the greater or less risk from fire and loss, which may attach to each several building insured. Whenever the amount of any loss shall have been ascertained, which exceeds in amount the cash funds of the company, the president shall convene the directors of said company, who shall make an assessment upon all the property to the amount for which each several piece of property is insured, taken in connection with the rate of premium under which it may be classified.

Classification
of property.

§ 8. It shall be the duty of the president, whenever such assessment shall have been made, to immediately notify every person composing such company, personally, by substitute or by letter sent to his usual post office address, of the amount of such loss, and the sum due from him as his share thereof, and of the time when and to whom such payment is to be made; but such time shall not be less than thirty nor more than ninety days from the date of such notice.

Notification of
assessment.

§ 9. Suits at law may be brought against any member of such company who shall neglect or refuse to pay any assessment made upon him by the provisions of this act,

Suits at law.

and the directors of any company so formed, who shall willfully refuse or neglect to perform the duties imposed upon them by the provisions of this act, shall be liable, in their individual capacity, to the person sustaining such loss; suits at law may also be brought and maintained against any such company, by members thereof, for losses sustained, if payment is withheld after such losses have become due.

Property insured.

§ 10. No such company shall insure any property beyond the limits of the district comprised in the formation of the company, nor shall they insure any property within the limits of any city containing over twelve thousand inhabitants at the time of the organization of such company.

Elections of directors.

§ 11. The directors shall be elected by ballot, and after the organization of any such company, excepting to fill vacancies, such elections shall be held at the annual meeting thereof, which shall be the first Tuesday after the first Monday of January in each year, and every person so insured shall be entitled to one vote, and an additional vote for each five hundred dollars that they may be insured in the company.

Annual statement of secretary.

§ 12. It shall be the duty of the secretary to prepare a statement, showing the condition of such company on the thirty-first day of December, and present the same at the annual meeting.

Members may withdraw.

§ 13. Any member of such company may withdraw therefrom by surrendering his policy for cancellation, at any time while the company continues the business for which it was organized, by giving notice in writing to the secretary thereof, and paying his share of all claims then existing against said company: *Provided*, that by the withdrawal of any such member, the number of the members remaining in the company will not be reduced below the original number of incorporators, or that the assets will not be reduced below the amount at the time of organization: *Provided, further*, that the company, from good reasons shown, shall have power to cancel or terminate any policy by giving the insured notice to that effect.

Non-residents of townships.

§ 14. Non-residents of any such township or district owning property therein, and being residents of the county containing said township or district, may become members of such company, and shall be entitled to all the rights and privileges appertaining thereto, except that such members shall not become directors in said company.

Annual statement to insurance commissioner.

§ 15. It shall be the duty of the president and secretary of every such company, on the first day of January of each year, or within one month thereafter, to prepare, under their own oath, and transmit to the insurance commissioner, a statement of the condition of the company on the thirty-first day of December then next preceding, in such form as the commissioner may direct. If, upon examination, he is of the opinion that such company is doing business cor-

rectly, in accordance with the provisions of this act, he shall thereupon furnish the company his certificate, which shall be deemed authority to continue business the ensuing year, subject, however, to subsequent provisions of this act. For such examination the company shall pay five dollars, and one dollar for the certificate. Each company shall pay, at the time of organization, ten dollars for the commissioner's services, all of which shall be paid into the state treasury and applied to the insurance fund.

§ 16. If the commissioner, upon the examination of any company organized under this act, is of the opinion that its condition has become such as to render its further proceeding hazardous to the insured, or when a majority of the members of such company desire to close its concerns, he or they may apply to the judge of the county court of the county in which the office of the company is located, or to the judge of the circuit court of the circuit court thereof, setting forth in substance the grounds of application; and such court, after due notice to all parties interested, may proceed to hear the matter, and for reasonable cause decree a dissolution of the corporation. Corporations so dissolved shall be deemed and held extinct in all respects as if their charters had expired by their own limitation, subject to provisions hereinafter prescribed.

Dissolution of
corporation.

§ 17. Any such company whose charter has expired by limitation, or which has been dissolved by decree of court or otherwise, shall nevertheless be continued as a body corporate for the term of one year after the time when it would have been so dissolved, for the purpose of prosecuting or defending suits by or against it, and of enabling it to gradually settle and close its concerns, but not for the purpose of continuing the business for which it was organized; and when the charter expires, or the company is dissolved, as provided, the court, on application of a creditor, or three members of the company, any time within said year, may appoint a receiver to take charge of its effects, and collect the debts and property due and belonging to it, with power to prosecute and defend suits in the name of the company, or otherwise, and do all other acts which might be done by such company. All accounts of the receiver shall be rendered to the court as may be ordered; the powers of the receiver may be continued as long as the court deems necessary for said purposes, before ordering him to make his final report. At the time of final dissolution of any such company, if a balance is remaining after the payment of the debts, it shall be distributed and paid to those who are justly entitled thereto, as having been members; also return to them all their obligations held by such company.

To continue for
one year—suits.

§ 18. The term "commissioner," in this act, shall be considered to mean the person who, by law, has charge of

"Commission-
er."

the insurance department of the state, whether that be the auditor of public accounts, or any other officer.

APPROVED April 3, 1872.

In force July 1, AN ACT to authorize the state treasurer to surrender securities heretofore deposited by life insurance companies.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That any life insurance company which desires to retire from business may notify the holders of its outstanding policies, and publish its intention to retire from business, for thirty successive days, in some newspaper published in Chicago, and having a general circulation; and if such policyholders elect to have their policies canceled, such company shall refund and pay to the policyholder, within ninety days thereafter, the net value of the policy, valued in accordance with the laws of this state, after deducting any indebtedness that may exist against such policy, or, if any policyholders shall so elect, the company may secure for such persons re-insurance in another company; which re-insurance shall equal in value the net value of such policies as aforesaid, and the company assuming the insurance shall issue to each of such persons a policy, in lieu of such policies as may be canceled for that purpose. When it appears to the auditor that any such company has canceled its policies, as herein provided, and has no other liability existing—a statement of which shall be certified by the affidavit of the president and secretary of the company—he shall give such company his certificate, upon which it may withdraw its securities deposited with the state treasurer: *Provided*, that any company having discontinued business prior to the passage of this act, by obtaining the cancellation of its policies as herein provided, may, in like manner, withdraw its securities so deposited, or such company may withdraw its securities by depositing other *bona fide* securities, of the kind provided by law, in lieu thereof, to the amount of all its outstanding policies.

APPROVED April 3, 1872.

AN ACT relating to deposits to be made by foreign insurance companies. In force March 19, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when any fire, or fire and marine insurance company organized under the laws of any foreign government, shall file with the auditor of public accounts a certificate of the superintendent of the insurance department of any other state, stating that a deposit of two hundred thousand dollars, or the equivalent of that amount, for the protection of the policyholders in the United States, has been made by said company, in that state, in accordance with the existing laws thereof, said company shall not be required to make such deposit in this state, so long as said deposit shall remain intact with the superintendent of the insurance department or treasurer of said state, a certificate of which from the superintendent of the insurance department of that state shall be annually filed with the auditor of public accounts of this state. Deposits made in other states.

§ 2. All fire, or fire and marine insurance companies organized under the laws of any foreign country establishing, or having heretofore established an agency or agencies in this state, shall be and are hereby allowed to make the deposit required by the laws of this state, in such bonds, stocks or other securities of such foreign country: *Provided*, the same shall not be received for more than their par value, nor shall they in any case be valued at more than their current market value. Bonds and stocks of foreign countries.

§ 3. The recent conflagration in Chicago having deprived the people of the state of Illinois of the means of ample insurance on their buildings and goods, an emergency exists requiring this act to be of immediate force and effect: therefore, this act shall take effect and be in force from and after its passage. Emergency.

APPROVED March 19, 1872.

AN ACT to repeal an act entitled "An act to amend an act to incorporate the St. Clair Savings and Insurance Company," approved March 29, 1869. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled "An act to amend an act entitled 'an act to incorporate the St. Clair Savings and Insurance Company,'" and which was approved on the twenty-ninth of March, one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

APPROVED April 9, 1872.

JAILS.

In force July 1, 1872. AN ACT to prohibit the use of common jails, by the authorities of cities and towns, as a calaboose or lock-up.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall not be lawful for the authorities of any city or town in this state to use the common jails of any county in this state as a calaboose or lock-up for persons charged with violations of the ordinances of such city or town, unless authorized by the county board, and the usual jail fees and expenses of subsistence of prisoners be paid by such city or town.

§ 2. All laws in conflict with this act are hereby repealed.
APPROVED April 5, 1872.

JUDGES.

In force July 1, 1872. AN ACT to extend the powers of judges of circuit courts in vacation.

Powers in vacation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the judges of the several circuit courts, within their respective circuits, shall each have power at any time in vacation to hear and determine motions to dissolve injunctions. to permit amendments to pleadings in actions at law as well as in suits in equity, to make any and all necessary orders to carry into effect any decree which may have been previously entered in such courts, and to order the issuance of all necessary writs therefor, and to order the issuance of writs of *certiorari* in all cases; and such orders may be made during the terms of court held by such judge in other counties than that in which the suit is pending or about to be commenced.

Notice of application.

§ 2. Any party applying for any such order shall give the opposite party, or his attorney of record, at least seven days' notice of such intended application. Any order so made in vacation, shall be signed by the judge making the same, and filed and entered of record by the clerk of the

court in which the proceedings shall be had ; and, from the date of such filing, shall have like force and effect as if such order was made at a regular term of such court.

APPROVED March 7, 1872.

JUDGMENTS AND DECREES.

AN ACT in regard to judgments and decrees, and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* a judgment of a court of record shall be a lien on the real estate of the person against whom it is obtained, situated within the county for which the court is held, from the time the same is rendered or revived for the period of seven years, and no longer : *Provided*, that there shall be no priority of the lien of one judgment over that of another rendered at the same term of court, or on the same day in vacation. When execution is not issued on a judgment within one year from the time the same becomes a lien, it shall thereafter cease to be a lien ; but execution may issue on such judgment at any time within said seven years, and shall become a lien on such real estate from the time it shall be delivered to the sheriff, or other proper officer, to be executed.

Judgment to be lien on real estate.

§ 2. When the party in whose favor a judgment is rendered is restrained, by injunction out of chancery, or by appeal, or by the order of a judge or court, or is delayed, on account of the death of the defendant, either from issuing execution or selling thereon, the time he is so restrained or delayed shall not be considered as any part of the time mentioned in section one or six of this act.

When execution is restrained.

§ 3. The term "real estate," when used in this act, shall include lands, tenements, hereditaments, and all legal and equitable rights and interests therein and thereto, including estates for the life of the debtor or of another person, and estates for years, and leasehold estates, when the unexpired term exceeds five years.

"Real estate."

§ 4. The person in whose favor any judgment, as aforesaid, may be obtained, may have execution thereon in the usual form, directed to the proper officer of any county in this state, against the lands and tenements, goods and chattels of the person against whom the same is obtained, or against his body, when the same is authorized by law.

Execution on judgment.

- Execution against the body of defendant. § 5. No execution shall issue against the body of the defendant, except when the judgment shall have been obtained for a tort committed by such defendant, or unless the defendant shall have been held to bail upon a writ of *capias ad satisfaciendum* as provided by law, or he shall refuse to deliver up his estate for the benefit of his creditors.
- Limitation. § 6. No execution shall issue upon any judgment after the expiration of seven years from the time the same becomes a lien, except upon the revival of the same by *scire facias*; but real estate levied upon within said seven years may be sold upon a *venditio rei exponas*, at any time within one year after the expiration of said seven years.
- Interest. § 7. Every execution issued upon a judgment shall direct the collection of interest thereon, from the date of the recovery of the judgment until the same is paid, at the rate of six per centum per annum.
- Return of writs. § 8. Executions and writs of *venditio rei exponas* shall be made returnable ninety days after the date thereof.
- Delivery to sheriff. § 9. No execution shall bind the goods and chattels of the person against whom it is issued, until it is delivered to the sheriff or other proper officer to be executed; and for the better manifestation of the time, the sheriff or other officer shall, on receipt of such writ, indorse upon the back thereof the day of the month and year and hour when he received the same.
- Liability of property. § 10. All and singular the lands, tenements, real estate, goods and chattels (except such as is by law declared to be exempt) of every person against whom any judgment has been or shall be hereafter obtained in any court of record, for any debt, damages, costs, or other sum of money, shall be liable to be sold upon execution, to be issued upon such judgment.
- On what property levied. § 11. The person in whose favor execution is issued, may elect on what property not exempt from execution he will have the same levied, provided personal property shall be last taken.
- To be sold separately. § 12. When real or personal property is taken in execution, if the same is susceptible of division it shall be sold in separate tracts, lots or articles, and only so much shall be sold as is necessary to satisfy the execution and costs.
- Concurrent judgments. § 13. When the lien of several judgments is concurrent, by reason of the same having been rendered at the same term of court or on the same day in vacation, and execution issued upon any one of such judgments is levied upon property subject to such lien, the property so levied upon shall be sold for the benefit of all executions issued upon such judgments, and delivered to the same officer or any of his deputies before sale; and the proceeds of such sale shall be divided upon the several executions, *pro rata*, according to their several amounts.

§ 14. No real estate shall be sold by virtue of any execution aforesaid, except at public vendue, between the hours of nine in the morning and the setting of the sun of the same day, nor unless the time and place of holding such sale shall have been previously advertised for the space of twenty days, by putting up written or printed notices thereof in at least three of the most public places in the county where the real estate is situated, specifying the name of the plaintiff and defendant in the execution—in all which notices the real estate to be sold shall be described with reasonable certainty.

Public sale and advertisement.

§ 15. If any sheriff or other officer shall sell any real estate by virtue of any such execution, otherwise than in the manner aforesaid, or without such previous notice, the officer so offending shall, for every such offense, forfeit and pay the sum of fifty dollars, to be recovered with costs of suit, by the person whose property is sold: *Provided, however*, that no such offense, nor shall any irregularity on the part of the sheriff, or other officer having the execution, be deemed to affect the validity of any sale made under it, unless it shall be made to appear that the purchaser had notice thereof.

Duties of the sheriff.

§ 16. When any real estate is sold by virtue of an execution, judgment, or decree of foreclosure of mortgage, or enforcement of mechanic's lien, or vendor's lien, or for the payment of money, it shall be the duty of the sheriff, master in chancery, or other officer, instead of executing a deed for the premises sold, to give to the purchaser a certificate describing the premises purchased by him, showing the amount paid therefor, or if purchased, by the person in whose favor the execution or decree is, the amount of his bid, the time when the purchaser will be entitled to a deed, unless the premises shall be redeemed, as provided in this act.

Certificate of sale.

§ 17. The sheriff, master in chancery, or other officer making the sale, shall, within ten days from such sale, file in the office of the recorder of the county in which the property is situated, a duplicate of such certificate, which shall be recorded by such recorder; and such certificate, or duplicate, or record, and certified copy of the record thereof, shall be evidence of the facts therein stated.

To be filed with recorder.

§ 18. The defendant, his heirs, administrators, assigns, or any person interested in the premises, through or under the defendant, may redeem the real estate so sold by paying to the purchaser thereof, his executors, administrators or assigns, or to the sheriff or master in chancery, or other officer who sold the same, or his successor in office, for the benefit of such purchaser, the sum of money for which the premises were sold or bid off, with interest thereon at the rate of ten per centum per annum from the time of such sale, whereupon such sale and certificate shall be null and void.

Redemption of real estate.

Evidence of redemption.

§ 19. In all cases of redemption of land from sale had under any execution, judgment, order or decree, it shall be the duty of the purchaser, sheriff, master in chancery, or other officer or person from whom said redemption takes place, to make out an instrument in writing, under his hand and seal, evidencing said redemption, which shall be recorded in the recorder's office of the proper county, in like manner as other writings affecting the title to real estate are filed and recorded, which recording shall be paid for by the party redeeming.

Manner of redemption.

§ 20. If such redemption is not made, any decree or judgment creditor, his executors, administrators or assigns, may, after the expiration of twelve months and within fifteen months after the sale, redeem the premises in the following manner: Such creditor, his executors, administrators or assigns, may sue out an execution upon his judgment or decree, and place the same in the hands of the sheriff or other proper officer, to execute the same, who shall indorse upon the back thereof a levy of the premises desired to be redeemed; and the person desiring to make such redemption shall pay to such officer the amount for which the premises to be redeemed was sold, with interest thereon, at the rate of ten per centum per annum, from the date of the sale, for the use of the purchaser of such premises, his executors, administrators or assigns; whereupon such officer shall make and file in the office of the recorder of the county in which the premises are situated a certificate of such redemption, and shall advertise and offer the premises for sale under said execution, as in other cases of sale on execution.

Bid of creditor.

§ 21. The creditor, his executors, administrators, or assigns, having so redeemed, shall be considered as having bid at such sale the amount of the redemption money so paid by him, with interest thereon at the rate of ten per centum per annum, from the date of such redemption to the day of sale, with the costs of such redemption and sale; and if no greater amount is bid at such sale, the premises shall be struck off to the person making such redemption, and the officer shall forthwith execute a deed of the premises to him, and no other redemption shall be allowed.

If greater amount is bid.

§ 22. If a greater amount shall be bid and the premises sold for more than the amount of such redemption money, interest and costs, the excess shall be applied on the execution under which the redemption was made; and a certificate of the purchase shall be made to the new purchaser, in like form and manner as upon the first sale, for a deed of the premises so sold, in sixty days from the date of such sale, unless the same are redeemed before the expiration of that time, by some other decree or judgment creditor, his executor, administrator or assigns.

Successive redemptions.

§ 23. Successive redemptions may be made of the premises at any time within sixty days of the last sale, at which

they were sold, for more than the amount of the redemption money, interest and costs, and the premises again sold in the same manner and upon the same terms and conditions, and certificate shall be made in like form and manner as upon the sale on the first redemption, and the person redeeming shall be considered to have bid the amount of his redemption money, interest and costs; and if at any such sale the premises are not sold for a greater sum, the sheriff or other officer shall forthwith execute a deed to the purchaser, and no other redemption shall be allowed.

§ 24. When there are several decree or judgment creditors, the creditor having the senior judgment or decree, shall have the preference to redeem during the first two days next after the expiration of the twelve months, and the other creditors shall respectively have preference to redeem during a like time, in the order of seniority of their several judgments or decrees; but where two or more judgments or decrees bear equal date, the creditor first paying the redemption money shall have preference.

Senior judgment.

§ 25. Any person entitled to redeem may redeem the whole or any part of the premises sold, in like distinct parcels or quantities in which the same were sold.

Partial redemption.

§ 26. Any joint owner, his executors, administrators or assigns, or a decree or judgment creditor of such joint owner, may redeem the interest of such joint owner in the premises sold on execution or decree, in the manner and upon the conditions hereinbefore provided, upon the payment of his proportion of the amount which would be necessary to redeem the whole.

Interest of joint owner.

§ 27. For the purpose of redemption from the sale of real estate of a deceased debtor, any person whose claim shall have been probated and allowed against the estate of such deceased debtor, shall be considered a judgment creditor, and for the purpose of enabling such creditor to redeem from such sale, it shall be lawful for the clerk of the court wherein letters testamentary or of administration were granted, to issue special execution to the sheriff of the proper county, commanding him, upon redemption being made, to levy upon and sell the premises so sought to be redeemed, and like proceedings shall be had as upon other executions.

Real estate of deceased debtor

§ 28. No commission upon the amount of the redemption money paid in any case shall be allowed to the officer receiving the same, but the usual commission shall be allowed to the officer selling said premises, on the excess made over and above the amount of said redemption money and interest.

Commission on redemption.

§ 29. Every certificate which shall be given by any officer to any purchaser, under the provisions of this act, shall be assignable by indorsement thereon, under the hand of such purchaser or his heirs, executors, administrators or

Certificates to be assignable.

assigns, and every person to whom the same shall be so assigned shall be entitled to the same benefits therefrom in every respect, that the person therein named would have been if the same had not been assigned.

Holder entitled
to deed.

§ 30. When the premises mentioned in any such certificate shall not be redeemed in pursuance of law, the legal holder of such certificate shall be entitled to a deed therefor at any time within five years from the expiration of the time of redemption. The deed shall be executed by the sheriff, master in chancery or other officer who made such sale, or by his successor in office, or by some person specially appointed by the court for the purpose. If the time of redemption shall have elapsed before the taking effect of this act, a deed may be given within two years from the time this act shall take effect. When such deed is not taken within the time limited by this act the certificate of purchase shall be null and void; but if such deed is wrongfully withheld by the officer whose duty it is to execute the same, or if the execution of such deed is restrained by injunction or order of a court or judge, the time during which the deed is so withheld or the execution thereof restrained, shall not be taken as any part of the five years within which such holder shall take a deed.

§ 31. The deed may be substantially in the following form:

Form of deed.

Whereas A B did, at the term of the court of county, A. D. 18.., recover a judgment (or decree) against C D, for the sum of and costs of suit, upon which an execution was issued dated the day of, A. D. 18.., directed to, to execute, by virtue of which the said levied upon the premises hereinafter described, and the time and place of the sale thereof having been duly advertised according to law, the same were struck off and sold to, he being the highest and best bidder therefor. (If the certificate has been transferred recite the fact.) Now, therefore, know all men by these presents, that I, of the county of, in consideration of the premises, do hereby convey to the said, his heirs and assigns, the following described lot or parcel of land (here describe the premises), to have and to hold the same, with all the appurtenances thereto belonging, to the said, his heirs and assigns forever.

Witness my hand and seal this day of, in the year of our [L. S.] Lord one thousand eight hundred and ...

Construction of
deed.

§ 32. Such deed shall convey to the grantee therein named all the title, estate and interest of the person against whom the execution was issued, of every nature and kind, in and to the premises thereby conveyed, but such deed shall not be construed to contain any covenant on the part of the officer executing the same.

Deeds as evi-
dence.

§ 33. Any deed which has been heretofore, or which may hereafter be so executed, or a certified copy of the record thereof, shall be *prima facie* evidence that the provisions of the law in relation to the sale of the property for which it is or may be given were complied with; and in case of the loss or destruction of the record of the judgment or decree, or of the execution or levy thereon, such

deed or certified copy of the record thereof shall be *prima* evidence of the recovery and existence of the judgment or decree and issuing and levy of the execution as therein recited.

§ 34. When a writ of execution is issued from a court of a county to the sheriff or other officer of another county, and levied upon any real estate in the latter county, the officer making such levy shall make a certificate thereof and file the same in the office of the recorder of his county. Until the filing of such certificate such levy shall not take effect, as against creditors and *bona fide* purchasers, without notice. Certificate of
levy.

§ 35. The certificate may be substantially in the following form :

STATE OF ILLINOIS, }
..... County. } ss.

I (here state the name of the officer and the title of his office) do hereby certify that by virtue of an execution to me directed, from the ... court of ... county, in favor of ..., against ..., dated the ... day of ... 18 , I did, on the ... day of ..., 18.., levy upon the following premises. (Here describe the premises.) Form of cer-
tificate.

(Signature.)

§ 36. Such certificate shall be recorded by the recorder, in a book to be kept for that purpose. The fee for record such certificate shall be collected as other costs. To be recorded.

§ 37. The collection of a judgment or decree of a court of record shall not be delayed or hindered, or the lien created by law abate, by reason of the death of any person in whose favor such judgment or decree shall be ; but the executor or administrator, or, if the decedent was an executor or administrator, the administrator *de bonis non*, or with the will annexed, may cause his letters testamentary or of administration to be recorded in such court, after which execution may issue and proceeding be had in the name of the executor or administrator as such, in the same manner as if the judgment or decree had been recovered in his name. Collection not
to be delayed.

§ 38. When it is necessary, in order to secure the collection of a judgment or decree belonging to any estate, it shall be the duty of the executor or administrator to bid for and become the purchaser of real estate at the sale thereof by the sheriff, master in chancery, or other officer. The premises so purchased shall be assets in his hands, and may be again sold by him, with the approval of the county court, and the moneys arising from such sale shall be accounted for and paid over as other moneys in his hands. Executors and
administrators.

§ 39. When a person shall die after the rendition of a judgment or decree for the payment of money against him is obtained in a court of record, execution may issue against the real estate of such deceased person, or sale may be made under such decree without reviving the judgment or decree against his heirs or legal representatives: *Provided*, that Real estate of
deceased per-
sons.

no execution shall issue or sale be made until after the expiration of twelve months from the death of such deceased person, nor shall any sale be had on any such execution or decree until the person in whose favor the judgment or decree is sought to be enforced shall give to the executor or administrator, or if there is neither, the heirs of the deceased, at least three months' notice in writing of the existence of such judgment or decree, before issuing execution or proceeding to sell.

Goods and chattels. § 40. All goods and chattels, real or personal, may be taken and sold on execution, except as otherwise provided by law.

Current gold and silver. § 41. Current gold or silver coin, or other legal tender, may be taken on execution, and may be paid over to the creditor as money collected.

Bank bills. § 42. Bank bills, and all other bills or evidence of debt, issued by a moneyed corporation and circulated as money, may be taken on execution and paid to the creditor, at their par value, as money collected, if he will receive them, otherwise they shall be sold like other chattels.

Doubt as to ownership. § 43. If there is reasonable doubt as to the ownership of the goods, or as to their liability to be taken on the execution, the officer may require sufficient security to indemnify him for taking them.

Bond for personal property. § 44. When personal property is levied upon, or about to be levied upon; if the defendant will give bond with sufficient security, to be approved by the officer, payable to the creditor, in double the amount of the execution, conditioned to deliver the property levied upon uninjured at the time and place where the same is to be sold, which shall be named in the condition, the sheriff may allow the property to remain with the defendant.

If not delivered. § 45. If the property is not delivered according to the condition of the bond, the officer having such execution may proceed to execute the same in the same manner as if no levy had been made.

Recovery on bond. § 46. If the officer does not obtain satisfaction of the execution, he shall return the bond with such execution, and the creditor shall be allowed to recover thereon the amount of his judgment, with interest and costs, or if the value of the property so levied upon shall be shown by the defendant to be less than such judgment and costs, the value thereof, with ten per cent. damages, for the delay.

Second delivery. § 47. No second delivery bond shall be taken in behalf of a defendant so failing to comply with the first, nor shall a delivery bond be taken of his surety, without the consent of the creditor.

Notice of sale. § 48. Before any goods and chattels shall be sold by virtue of any execution, at least ten days' previous notice of such sale shall be given by posting up notices thereof in three of the most public places in the county where such

sale is to be, specifying the time when and place where the same are to be sold.

§ 49. The officer may postpone such sale from time to time, not exceeding ten days at one time, whenever, for want of bidders or other good cause, he shall think it for the interest of the parties concerned. Notice of such postponement may be given at time and place fixed for the sale, or by posting notices as hereinbefore provided, but if the postponement exceed one day, he shall post notices thereof. Postponement of sale.

§ 50. The officer making such sale shall, in his return of the execution, particularly describe the goods sold, and the sum for which each article was sold; and if he is guilty of fraud in the sale or return, he shall be liable in any proper action at the suit of the party injured, for five times the amount of the actual damage sustained by reason of such fraud. Description of goods sold.

§ 51. If the goods or chattels sold on execution have been attached by another creditor or seized on another execution, either by the same or any other officer, or if before the payment of the residue, after the satisfaction of such execution to the debtor, another writ of attachment or execution against him is delivered to the officer who made the sale, the proceeds of the sale shall be applied to the discharge of the several judgments in the order in which the respective writs of attachments or executions become a lien or are entitled by law to share, and the residue, if any, shall be returned to the debtor or his assigns. When attached by another creditor.

§ 52. The share or interest of a stockholder in any corporation may be taken on execution and sold as hereinafter provided. Shares of stock.

§ 53. If the property has not been attached in the same suit the officer shall leave an attested copy of the execution with the clerk, treasurer or cashier of the company, if there is any such officer, otherwise with any officer or person having the custody [of] the books and papers of the corporation; and the property shall be considered as seized on execution when the copy is so left, and shall be sold in like manner as goods and chattels. Copy of execution to be left.

§ 54. If the share is already attached in the same suit the officer shall proceed in seizing and selling it on the execution, in the same manner as in selling goods and chattels. Seizure and sale

§ 55. The officer of the company who keeps a record or account of the shares or interest of the stockholders therein, shall, upon the exhibiting to him of the execution, be bound to give a certificate of the number of shares or amount of the interest held by the judgment debtor. If he refuses to do so, or if he willfully gives a false certificate thereof, he shall be liable for double the amount of all damages occasioned by such refusal or false certificate, to be recovered in any proper action, unless the judgment is satisfied by the original defendant. Certificate of the number of shares.

Purchaser entitled to certificate.

§ 56. An attested copy of the execution and of the return thereon shall, within fifteen days after the sale, be left with the officer of the company whose duty it is to record transfers of shares; and the purchaser shall thereupon be entitled to a certificate or certificates of the shares bought by him upon paying the fees therefor and for recording the transfer.

Dividends.

§ 57. If the shares or interest of the judgment debtor had been attached in the suit in which the execution issued, the purchaser shall be entitled to all the dividends which have accrued after the attachment.

Executions set-off.

§ 58. Executions between the same parties may be set off, one against another, if required by either party, as prescribed in the following section.

Proceedings.

§ 59. When one of the executions is delivered to an officer to be executed, the debtor therein may deliver his execution to the same officer, whether the second execution is directed to the same or to any other officer; and the officer shall apply it, as far as it will extend, to the satisfaction of the first execution, and the balance due on the larger execution may be collected and paid in the same manner as if there had been no set-off.

When set-off shall not be allowed.

§ 60. Such set-off shall not be allowed in the following cases:

First—When the creditor in one of the executions is not in the same capacity and trust as the debtor in the other.

Second—When the sum due on the first execution was lawfully and in good faith assigned to another person, before the creditor in the second execution became entitled to the sum due thereon.

Third—When there are several creditors in one execution, and the sum due on the other is due from a part of them only.

Fourth—When there are several debtors in one execution, and the sum due on the other is due to a part of them only.

Fifth—Nor shall it be allowed as to so much of the first execution as is due to the attorney in that suit for his fees and disbursements therein.

Executions by justices.

§ 61. No execution, issued by any justice of the peace, shall be levied upon real estate, nor shall any redemption be made under any judgment rendered by a justice of the peace, except when the same shall be certified into a court of record, as provided by law.

Execution against body of debtor.

§ 62. If, upon the return of an execution unsatisfied, in whole or in part, the judgment creditor, or his agent or attorney, shall make an affidavit stating that demand has been made upon the debtor for the surrender of his estate, goods, chattels, land and tenements, for the satisfaction of such execution, and that he verily believes such debtor has estate, goods, chattels, lands or tenements, not exempt from

execution, which he unjustly refuses to surrender, or that since the debt was contracted, or the cause of action accrued, the debtor has fraudulently conveyed, concealed, or otherwise disposed of some part of his estate, with a design to secure the same to his own use, or defraud his creditors; and also setting forth upon his knowledge, information and belief, in either case, the facts tending to show that such belief is well founded, and shall procure the order of the judge of the court from which the execution issued, or of any judge or master in chancery in the same county, certifying that probable cause is shown in such affidavit, to authorize the issuing of an execution against the body of the debtor, and ordering that such writ be issued; upon the filing of such affidavit and order with the clerk, he shall issue an execution against the body of such judgment debtor.

§ 63. For the purpose of enabling the judgment creditor to make such affidavit, the officer having an execution against the property of the defendant, may demand any estate of the defendant not exempt from execution, whether the same is of such a nature that it may be levied upon and sold on execution or not. Any estate may be demanded.

§ 64. If the debtor shall escape from arrest upon an execution against his body, he may be re-arrested upon the same or another warrant in the same case; and for the purpose of arrest or re-arrest, he may be pursued into any county in this state into which he may flee. Arrest of debtor.

§ 65. When a debtor shall be arrested, by virtue of an execution against his body, he shall be conveyed to the county jail of the county of the officer who made the arrest, and kept in safe custody until he shall satisfy the execution or be discharged according to law. Immediately upon the arrest of the defendant, the officer making the same shall give notice thereof to the plaintiff, his agent or attorney, if in the county. To be kept in custody.

§ 66. The following acts and parts of acts are hereby repealed: Chapter fifty-seven of the Revised Statutes of 1845, entitled "Judgments and Executions," except sections thirty-two, thirty-three, thirty-four, thirty-eight and thirty-nine; an act entitled "An act to provide for interest upon judgments," approved April 9, 1869; an act entitled "An act to amend section eleven of the Revised Statutes, entitled 'Judgments and Executions,'" approved February 12, 1857; an act entitled "An act to amend the fifty seventh chapter of the Revised Statutes, entitled 'Judgments and Executions,'" approved February 12, 1853; section four of an act entitled "An act regulating practice in courts in certain cases," approved February 18, 1857; an act entitled "An act to authorize the sale of interests in incorporated companies on execution," approved February 22, 1861; an act entitled "An act to secure the state a lien in certain cases," approved February 19, 1859; sections two, three Acts repealed.

and four of chapter seventy-seven, of the Revised Statutes of 1845, entitled "Officers," and all other acts and parts of acts inconsistent with the provisions of this act; but this section shall not be construed so as to affect any rights that may have accrued, or any suits or proceedings that may be pending, when this act shall take effect.

APPROVED March 22, 1872.

JURORS.

In force July 1,
1872.

AN ACT concerning jurors.

County board
to make jury
list.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county board of each county shall, at or before the time of its meeting in September, one thousand eight hundred and seventy-two, and by the same time in each year thereafter, when necessary for the purposes of this act, make a list of a sufficient number, not less than one-tenth of the legal voters of each town or precinct in the county, to be known as the jury list.

Selection of ju-
rors, when
made.

§ 2. At the meeting of the county board in the respective counties in this state in September, in the year of our Lord one thousand eight hundred and seventy-two, and each year thereafter, such board shall select from such list a number of persons equal to two hundred, for each trial term of the circuit and county courts in each county, and in the county of Cook a like number for each term of the superior court of Cook county, and one hundred for each term of the criminal court of Cook county, which may be provided by law to be held during the succeeding year, to serve as jurors; and in making such selection shall choose a proportionate number from the residents of each town or precinct, and shall take the names of such only as are:

First—Inhabitants of the town or precinct, not exempt from serving on juries.

Second—Of the age of twenty-one years or upwards, and under sixty years old.

Third—In the possession of their natural faculties, and not infirm or decrepit.

Fourth—Free from all legal exceptions, of fair character, of approved integrity, of sound judgment, well informed, and who understand the English language.

If not selected
at September
meeting.

§ 2. If, for any reason, such meeting of the board shall not be held at the time specified, or the selection shall not

then be made, the same shall be made at a meeting to be held as soon thereafter as may be.

§ 4. The following persons shall be exempt from serving as jurors, to-wit: The governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, attorney-general, members of the general assembly during their term of office, all judges of courts, all clerks of courts, sheriffs, coroners, postmasters, mail carriers, practicing attorneys, all officers of the United States, officiating ministers of the gospel, school teachers during the terms of school, practicing physicians, constant ferrymen, mayors of cities, policemen and members of the fire department. Persons exempt

§ 5. At the time of making such selection, the name of the person selected shall be checked off from such list, and shall not be again selected as a juror till every person named upon such list qualified to serve as a juror has been selected; and all subsequent selections of jurors by such board shall be made from such list until all persons thereon, qualified to serve, have been selected, or until the expiration of two years from the time of the making of such list, when a new list shall be made: *Provided*, if any person who has been selected as a juror shall not have been drawn, or have served upon a jury during the year for which he was selected, he shall, if qualified, be selected for the next year. Selection from list.

§ 6. As often as one list shall have been exhausted another shall be furnished, as provided in section one of this chapter, and the jurors shall be selected therefrom in the manner provided in sections two and three. The clerks of the circuit courts and other courts of record in the county, shall, at the end of each term of court, furnish the county clerk a list of all persons who have served as jurors during the term. When list is exhausted.

§ 7. A list of jurors so selected shall be kept in the office of the county clerk, who shall write the name of each person selected upon a separate ticket, and put the whole into a box to be kept for that purpose.

§ 8. At least twenty days before the first day of any trial term of any of said courts, the clerk of such court shall repair to the office of the county clerk, and in the presence of such county clerk, after the box containing said names has been well shaken by the county clerk, and without partiality, draw from said box the names of a sufficient number of said persons, then residents of said county, not less than twenty-four for each week that such court will probably be in session for the trial of common law cases, to constitute the petit jurors for that term. Manner of drawing.

§ 9. If a grand jury shall be required by law, or by the order of the judge, for such term, the clerk shall also, in like manner, draw the names of twenty-three persons to constitute the grand jury for such term. Grand jury.

Summons of petit jurors. § 10. The clerk of the court shall, within five days after such drawing, issue to the sheriff a summons, commanding him to summon as petit jurors a sufficient number, not less than twenty-four, of the persons so drawn, to appear at the place of holding such court, at the hour of ten o'clock A. M. of the first day of the term, or upon such other day of the term as the judge shall direct, and a like number to appear at the same place and hour on the second Monday of the term, and the same number for each week the court will probably be in session, which summons shall be served before the sitting of the court.

Summons of grand jurors. § 11. The persons drawn as grand jurors shall be summoned in the same manner as petit jurors, except that they shall all be required to appear upon the first day of the term, or upon such other day of the term as the judge shall direct.

Sheriff to execute summons. § 12. It shall be the duty of the sheriff to execute the summons by reading the same or leaving a copy thereof at the usual place of abode of a sufficient number of persons directed to be summoned to constitute the jury as aforesaid, and make return thereof on or before the return day, to the clerk who may have issued the same, with an indorsement thereon, certifying on whom it has been executed, and the time when; and in default of so doing, such sheriff or other officer shall be considered as guilty of a contempt, and may be fined for the use of the proper county in any sum not less than ten dollars nor more than two hundred dollars; and it shall be the duty of the court, upon the return of such summons, to inquire into the cause of any failure to serve any such juror, and unless he shall find that the sheriff has used proper diligence to serve such juror, he shall inflict the fine aforesaid.

If sufficient number shall not appear. § 13. If a sufficient number of grand or petit jurors shall not be returned served, or shall not appear, or for any reason the panel shall not be full at the opening of the court, or at any time during the term, the clerk of the court shall again repair to the office of the county clerk and draw, in the same manner as at the first drawing, a sufficient number of jurors to fill such panel, who shall be summoned in the same manner as the others.

Summons of bystanders. § 14. When, by reason of challenge in the selection of a jury for the trial of any cause, or by reason of the sudden sickness or absence of any juror for any cause except when he shall be discharged from the panel, the court may direct the sheriff to summon from the bystanders a sufficient number of persons having the qualifications of jurors, to fill the panel for the pending trial. Any person who shall seek the position of a juror, or who shall ask any attorney or other officer of the court, or other person, to secure his selection as a jurymen, shall be deemed guilty of a contempt of court, and be fined not exceeding twenty dollars, and

shall thereby be disqualified from serving as a juror for that term, and such fact shall be sufficient ground for challenge. Any attorney or party to a suit pending for trial at that term, who shall request or solicit the placing of any person upon a jury, shall be deemed guilty of a contempt of the court and be fined not exceeding one hundred dollars, and the person so sought to be put upon the jury shall be disqualified to serve as a juror at that term of court.

§ 15. It shall be a sufficient cause of challenge of a petit juror that he lacks any one of the qualifications mentioned in section two in this act; or if he is not one of the regular panel, that he has served as a juror on the trial of a cause in any court of record in the county, within one year previous to the time of his being offered as a juror, or that he is a party to a suit pending for trial in that court at that term. It shall be the duty of the court to discharge from the panel all jurors who do not possess the qualifications provided in this act, as soon as the fact is discovered: *Provided*, if a person has served on a jury in a court of record within one year, he shall be exempt from again serving during such year, unless he waives such exemption.

§ 16. Every person who shall fail to attend when lawfully summoned to appear as a grand or petit juror as aforesaid, without having a reasonable excuse, shall be considered as guilty of a contempt, and shall be fined by the courts respectively, in any sum not less than five dollars nor more than one hundred dollars, for the use of the proper county, unless good cause be shown for such default at or before the next term of such court; and it shall be the duty of the clerk to issue a summons against all such delinquents (where such persons shall not come in without process), to show cause, at the next succeeding term of such court, why he or they should not be fined for such contempt; at which, or any subsequent term, the court shall proceed to assess said fine, unless the person or persons so summoned and failing to attend as aforesaid, shall appear and show good cause for such delinquency: *Provided*, that the oath or affirmation of any such delinquent shall at all times be received as competent evidence.

IMPANNELED GRAND JURY.

§ 17. A full panel of the grand jury shall consist of twenty-three persons, sixteen of whom shall be sufficient to constitute a grand jury. Number.

§ 18. After the grand jury is impaneled, it shall be the duty of the court to appoint a foreman, who shall have power to swear or affirm witnesses to testify before them, and whose duty it shall be, when the grand jury, or any twelve of them, find a bill of indictment to be supported Foreman—duties.

by good and sufficient evidence. to indorse thereon "A true bill;" and when they do not find a bill to be supported by sufficient evidence, to indorse thereon "Not a true bill;" and shall, in either case, sign his name, as foreman, at the foot of said indorsement, and shall also, in each case in which a true bill shall be returned into court as aforesaid, note thereon the name or names of the witness or witnesses upon whose evidence the same shall have been found.

Oath of foreman.

§ 19. Before the grand jury shall enter upon the discharge of their duties, the following oath shall be administered to the foreman, to-wit:

You, as foreman of this inquest, do solemnly swear (or affirm, as the case may be,) that you will diligently inquire into and true presentment make of all such matters and things as shall be given you in charge, or shall otherwise come to your knowledge, touching the present service; you shall present no person through malice, hatred or ill-will; nor shall you leave any unpresented, through fear, favor or affection, or for any fee or reward, or for any hope or promise thereof; but in all your presentments you shall present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding: So help you God.

Oath of jurors.

And the following oath or affirmation shall be administered to the other jurors, to-wit:

The same oath that A B, your foreman, has just taken before you, on his part, you and each of you shall well and truly keep and observe on your respective parts: So help you God.

Presentments.

§ 20. No grand jury shall make presentments of their own knowledge, upon the information of a less number than two of their own body, unless the juror giving the information is previously sworn as a witness, in which case, if the evidence shall be deemed sufficient, an indictment may be found thereon, in like manner as upon the evidence of any other witness who may not be of the jury.

IMPANNELING PETIT JURIES.

How drawn.

§ 21. It shall be the duty of the clerk of the court, at the commencement of each week of the term, to write the name of each petit juror summoned for that week on a separate ticket, and put the whole into a box or other place for safe keeping; and as often as it shall be necessary to impanel a jury, the clerk, sheriff or coroner shall, in the presence of the court, draw by chance twelve names out of such box or other place, which shall designate the twelve to be sworn on the jury, and in the same manner for the second jury, in their turn, as the court may order and direct.

Jury in civil causes.

§ 22. Upon the impanneling of any jury in any civil cause now pending, or to be hereafter commenced in any court in this state, it shall be the duty of the court, upon request of either party to the suit, or upon its own motion, to order the full number of twelve jurors into the jury box, before either party shall be required to examine any of the said jurors touching their qualifications to try any such causes.

§ 23. So much of this act as applies to county boards shall apply to the county court, in counties not under township organization, until such county court shall be succeeded by the board of county commissioners. County board
and
county
court.

§ 24. Chapter fifty-eight, of the Revised Statutes of eighteen hundred and forty-five, entitled "Jurors," and an act entitled "An act to amend chapter eighty-three, of the Revised Statutes, entitled 'Practice,'" approved February eleven, eighteen hundred and fifty-nine, and an act entitled "An act to regulate the practice of impanneling juries in civil causes in this state," are hereby repealed: *Provided*, the mode of drawing and selecting jurors provided in said chapter, shall continue in force until they may be drawn and selected under the provisions of this act. Acts repealed.

APPROVED April 10, 1872.

JUSTICES OF THE PEACE.

AN ACT to provide for the election and qualification of justices of the peace and constables, and to provide for the jurisdiction and practice of justices of the peace in civil cases, and fix the duties of constables, and to repeal certain acts therein named. In force July 1,
1872.

ELECTION AND TERM OF OFFICE.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* At the first election for town officers after the taking effect of this act, and at each quadrennial election thereafter for the same purpose, there shall be elected in each town, in counties under township organization (except as to justices of the peace in the city of Chicago, in Cook county)—and on Tuesday next after the first Monday in November, in the year one thousand eight hundred and seventy-three, and on the same day quadrennially thereafter, there shall be elected in each election precinct, in counties not under township organization—two justices of the peace and two constables, and one justice of the peace and one constable for every one thousand inhabitants exceeding two thousand inhabitants of such town or precinct: *Provided*, no more than five justices and five constables shall be elected in any one town or precinct. Their term of office shall commence on the first Monday of December after their election, and continue for four years, or until their successors are elected and qualified, except in counties under township organization, when the term shall commence on the first Monday in May; but Time of election

Term of office.

no justice of the peace shall hold the office of police magistrate: *Provided*, that there shall be elected in each of the towns in which is contained the city of Chicago, or any part thereof, one constable and no more for each ten thousand inhabitants of such towns, at the same time and in the same manner provided in this section.

Prior terms to
expire.

§ 2. The term of office of every justice of the peace and constable elected prior to the first election under this act, shall expire at the time of such election: *Provided*, this act shall not be construed to extend the term of office of any justice of the peace or constable. In case of the adoption of township organization in a county, or the forming of a new county, the justices of the peace and constables authorized to be elected therein shall be elected for the unexpired term between their election and the next quadrennial election.

Vacancies in
office.

§ 3. When a vacancy occurs in the office of a justice of the peace or constable, by death, resignation, removal from the town or precinct, or other cause, if the unexpired term exceeds one year his office shall be filled by special election; and it shall be the duty of the town clerk in counties under township organization, and county clerks in counties not under township organization, in case of such vacancy, to issue his order to the judges of election of the proper town or precinct, requiring them, on a certain day therein named, not less than twenty days from the issuing of such order, to hold an election to fill such vacancy; and at the same time the county clerk shall deliver to such judges three copies of a notice of such election, two of which notices shall be posted up in such town or precinct in the most public places therein; and an election shall be held pursuant to such order, and conducted as other elections. If the unexpired term of his office does not exceed one year, the vacancy shall be filled by appointment by the county board.

OATH OF OFFICE.

Official oath.

§ 4. Every justice of the peace and constable, before entering upon the duties of his office, shall take, subscribe and file, in the office of the county clerk, the oath of office prescribed in the constitution.

TO GIVE BONDS.

Bonds of jus-
tices of the
peace.

§ 5. Every justice of the peace, before entering upon the duties of his office, shall execute and deliver to the county clerk of the proper county, and within twenty days after his said election, a bond, to be approved by said clerk, with two or more good and sufficient securities, in the sum of not less than two thousand dollars nor more than ten thousand dollars, conditioned that he will justly and fairly account for

and pay over all moneys that may come to his hands under any judgment, or otherwise, by virtue of his said office, and that he will well and truly perform every act and duty enjoined upon him by the laws of this state, to the best of his skill and ability. Such bond shall be made payable to the People of the State of Illinois, and shall be held for the security and benefit of all suitors and others who may be injured or aggrieved by the official acts or misconduct of such justice of the peace.

§ 6. Every constable, before he shall enter upon the duties of his office, shall execute and deliver to the county clerk of the proper county, within twenty days after his election, a bond, to be approved by said clerk, with two or more good and sufficient securities, in the sum of not less than two thousand dollars, and not exceeding ten thousand dollars, conditioned that he will faithfully discharge the duties of his office of constable, and that he will justly and fairly account for and pay over all money that may come to his hands, under any process, or otherwise, by virtue of his office. The said bond shall be made payable to the People of the State of Illinois, and shall be held for the security and benefit of all suitors and other persons who may be interested in or become injured by the official conduct of such constable.

Bonds of constables.

§ 7. If any justice of the peace or constable shall not, within twenty days after his election or appointment, take the oath and give bond, as aforesaid, such justice or constable shall not be permitted after that time to qualify, but the office shall be considered as vacant, and filled accordingly.

To qualify within twenty days.

§ 8. It shall be the duty of the county clerk, upon such bond being executed and filed, as aforesaid, by any justice of the peace, to make out a certificate of the execution and filing thereof, under the seal of his office, and transmit the same to the governor of this state, who shall thereupon issue a commission to said justice of the peace and return the same to such clerk, who shall deliver the same to such justice, after having made the entry hereinafter required.

Certificate of filing.

§ 9. Certificates of election shall be granted to constables elect by the county clerks, which shall be sufficient to authorize them to act.

Certificates of election to constables.

§ 10. The clerk shall keep a book, in which he shall enter the name of every justice of the peace and constable sworn into office, and the time of his being sworn into office, together with the date of his commission or certificate.

Record of date of commissions.

§ 11. Resignations of the office of justice of the peace and constable shall be made to the county clerk, who shall immediately enter the date of every such resignation in the book above provided for.

Resignations.

Record to be
evidence.

§ 12. Such book, or a certified copy of an entry in the same, by the county clerk, shall be received as evidence in all courts within this state.

JURISDICTION IN CIVIL CASES.

Jurisdiction in
counties.

§ 13. Justices of the peace shall have jurisdiction in their respective counties in the following cases, when the amount claimed does not exceed two hundred dollars: *Provided*, that where the plaintiff and defendant, and all the parties plaintiff and defendant, reside in the same county, suits shall be brought in the justices' district where one or more of the plaintiffs or defendants reside, or may be found, and not elsewhere:

First—In actions arising on contracts, whether under seal or not, express or implied, for the recovery of money only. When the action is upon a bond, the amount to be recovered thereon, and not the penalty of the bond, shall determine the jurisdiction, and when the payments are to be made by installments, an action may be brought for any installment as it shall become due.

Second—In actions for damages for injury to real property, or for taking, detaining or injuring personal property.

Third—In actions for rent and distress for rent.

Fourth—In actions against railroad companies, and any person or company controlling, operating or using any railroad in this state, for killing or injuring horses, cattle, sheep, hogs or other stock, for loss of or injury to baggage or freight, and for injury or damage to real or personal property, caused by setting fire to the same, by their engines or otherwise.

Fifth—In actions of replevin when the value of the property claimed does not exceed two hundred dollars.

Sixth—In actions for damages for fraud in the sale, purchase or exchange of personal property, if the damages claimed do not exceed two hundred dollars.

This section shall apply to claims originally exceeding two hundred dollars, if the same shall, at the time of the rendition of judgment, be reduced by credits or deductions to an amount not exceeding two hundred dollars.

Jurisdiction in
cities.

§ 14. Justices of the peace shall have jurisdiction in all cases for the violation of the ordinances of cities, towns or villages.

SECURITY FOR COSTS.

Bond to be filed.

§ 15. No person who is not a resident of this state, shall commence any action before a justice of the peace, until such non-resident shall file with the justice before whom such action may be brought, a bond, with sufficient security, for the payment of all costs which may be awarded

against the plaintiff, should he fail in his suit; which bond shall be in the following form, as near as may be, inserting the names of the parties, the county and state:

STATE OF ILLINOIS, }
 County. } ss.

A.... B...., }
 vs. } Before, *Justice of the Peace.*
 C.... D.... }

Form of bond.

I, E F, do enter myself security for all costs that may accrue in the above cause. Dated this day of

E.... F....

§ 16. Such bond shall be signed by the security; and if the said plaintiff shall be cast in his suit, discontinue or make default, and shall not, within twenty days thereafter, pay to the justice all the costs that may have been occasioned to the defendant, to the justice and constable, jurors or witnesses, or perfect an appeal, the justice shall issue his execution against the security for the amount thereof, accompanied with a bill of costs, in which shall be set down every particular charged.

Execution ag't
 security on
 bond.

SUMMONS.

§ 17. Every suit before a justice, except as otherwise provided, shall be commenced by summons, which shall be in the following form, as nearly as the case will admit, viz:

Suits to be
 commenced by
 summons.

STATE OF ILLINOIS, }
 County. } ss.

The People of the State of Illinois, to any constable of said county—GREETING:

Form of sum-
 mons.

You are hereby commanded to summon A B to appear before me, at, on the day of, at o'clock — M., to answer the complaint of C D for a failure to pay him a certain demand, not exceeding two hundred dollars; and hereof make due return as the law directs. Given under my hand, this day of, 18..

JOHN DOE, *J. P.*

In which summons the justice shall specify a certain place, day and hour for the trial, not less than five nor more than fifteen days from the date of such summons; at which time and place the defendant is to appear. Every summons shall be served at least three days before the time of trial mentioned therein, by reading the same to the defendant.

§ 18. The justice shall indorse on the back of every summons the sum demanded by the plaintiff, with the costs due thereon, and the defendant may pay the same to the constable in whose hands such process may be, who shall give a receipt therefor, which shall exonerate the defendant from the debt and all further costs.

Indorsement
 on summons.

§ 19. When any defendant shall evade the service of process, or not listen to the same, or secrete himself, then the officer shall serve the same by leaving a copy at his place of residence with some person of the age of ten years or upwards; and in all such cases, the constable shall make a special return when and how served, and the circum-

Evasion of pro-
 cess.

stances attending the same ; and if the justice shall be satisfied that the defendant evaded the service by reading, and that the party is sufficiently notified and summoned, he shall proceed to hear and determine the case.

Alias
summons.

§ 20. When a defendant cannot be found, alias summonses may be issued in the same case, and the first and each successive summons may be served by leaving a copy thereof at the place of residence of the defendant, with some member of his family of the age of ten years or upwards, until personal service is had on such defendant or he shall appear upon a return day, when the cause may proceed as in other cases.

Incorporated
companies.

§ 21. An incorporated company may be served by leaving a copy of the summons with its president, secretary, superintendent, general agent, cashier or principal clerk, if either can be found in the county in which the suit is brought ; if neither shall be found in the county, then by leaving a copy of the summons with any director, clerk, engineer, conductor, station agent, or any agent of such company found in the county.

BAIL AND PROCEEDINGS THEREIN.

Affidavit to be
filed.

§ 22. When any person shall be about to commence a suit upon any contract, whether under seal or not, express or implied, if the plaintiff or some person on his behalf shall make, subscribe and file with the justice an affidavit setting forth the cause of action, and the amount due the plaintiff, and facts tending to show that the defendant fraudulently contracted the debt or incurred the obligation respecting which the suit is about to be brought, or that he has concealed, removed, assigned or disposed of any of his property with intent to defraud his creditors ; or, if the action is for a tort, setting forth the principal facts, showing the cause of action and the amount the plaintiff expects to be able to recover, and, in either case, that the benefit of whatever judgment may be obtained will be in danger of being lost unless the defendant is held to bail, and setting forth the reasons of such danger, it shall be the duty of the justice, if he shall be satisfied, from the facts stated in such affidavit, either that the defendant fraudulently contracted such debt, or incurred such obligation, or has concealed, removed, assigned or disposed of any of his property with intent to defraud his creditors, or has committed such tort, and that whatever judgment may be obtained will be in danger of being lost unless the defendant be held to bail, to issue a *capias* for the arrest of such defendant, which may be in the following form :

Capias to be
issued.

STATE OF ILLINOIS, }
.....County. } ss.

The People of the State of Illinois, to any constable of said county—GREETING:

You are hereby commanded to take the body of.... and bring him forthwith before me, unless special bail be entered; and if such bail be entered, you will then command him to appear before me at, on the.... day of...., at.... o'clock—M., to answer the complaint of A B for failure to pay him a certain demand, not exceeding two hundred dollars; and hereof make due return as the law directs. Given under my hand, this.... day of...., 18..

JOHN DOE, J. P.

§ 23. Before issuing a *capias* the justice shall take from the plaintiff or his agent a bond, with approved security, and file the same with the papers in the case, in substance as follows:

STATE OF ILLINOIS, }
.....County. } ss.
A ... B.... }
vs. } Before.....Justice of the Peace.
C.... D.... }

We hereby bind ourselves to pay all damages and costs, if any, which may be wrongfully occasioned by a *capias* in this case. Dated this day of, A. D.

.....[SEAL.]
.....[SEAL.]

§ 24. The defendant shall have a right to release his body, arrested by virtue of such process, by giving special bail to the constable executing the same, which shall be indorsed with the amount claimed, on the back of the *capias*, in the following form, as nearly as the case will admit, viz:

I, G F, acknowledge myself special bail for the within named C D. Witness my hand, this day of...., 18.. G.... F....

Which indorsement shall be signed by one or more securities, to be approved by the constable taking the same, and shall have the force and effect of a recognizance of bail, the condition of which is, that the defendant, if judgment shall be given against him, will pay the same with costs, or surrender his body in execution; and in default of such payment or surrender, the goods and chattels of the bail shall be liable for the payment of the judgment and costs: *Provided*, that if the body of the defendant shall be rendered in execution by himself or his bail, within the life of such execution, or if a sufficiency of the defendant's property shall be found to satisfy the judgment and costs, the bail shall be exonerated.

§ 25. The defendant, in case he shall be in custody or have given bail, may traverse the allegations of the affidavit, and if upon the trial the issues are found in his favor he shall be discharged, or the bail released, as the case may be, and the *capias* shall have only the effect of a summons.

§ 26. The bail may, at any time while the plaintiff shall be entitled to execution against the body of the defendant, give notice to the plaintiff, or his agent or attorney, that he desires to surrender the defendant in execution; and if the plaintiff shall neglect to sue out such execution within ten

Discharge of defendant.

Notice of surrender by bail.

days after the service of such notice, or shall fail to charge the defendant in execution when he may, the bail shall be discharged.

Summons ag't
special bail.

§ 27. In all cases in which the defendant shall give special bail, under the provisions of this act, and shall not be surrendered on or before the return day of the execution against his body, and sufficient property is not found to pay the judgment and costs within the same time, it shall be the duty of the justice of the peace, upon the application of the plaintiff or his agent, to issue a summons against the special bail, substantially in the following form, to-wit:

STATE OF ILLINOIS, } ss.
County. }

The People of the State of Illinois, to any constable of said county—GREETING :

You are hereby commanded to summon . . . , to appear before me, at . . . , on the . . . day of . . . , at . . . o'clock — M., to show cause, if any he have, why judgment should not be rendered against him as the special bail of . . . , upon a *capias* issued by me against him, in favor of . . . , for the sum of . . . dollars and . . . cents, the amount of the judgment rendered against the said . . . , in favor of the said . . . ; and hereof make due return.

Given under my hand, this . . . day of . . . , 18..

JOHN DOE, J. P.

In which summons the justice shall specify a certain day, place and hour for the trial, not less than five nor more than fifteen days from the date thereof, at which time and place the defendant is to appear; which process shall be served and return made as in other cases.

Non-appear-
ance of defend-
ant.

§ 28. If the defendant does not appear, the justice shall hear the case, enter judgment, and issue execution as in other cases.

Cause for fail-
ure to comply
with conditions.

§ 29. If the defendant shall appear at the time and place appointed for trial, he shall be permitted to show cause for his failure to comply with the condition of his undertaking, or to show that he hath complied with the same; and if it shall appear that the defendant was prevented from surrendering the body of the original defendant by the act of the plaintiff, or that the said original defendant had departed this life previous to the time required for making such surrender, or that he could not be surrendered by reason of his being imprisoned for a crime, or that his health was such as to endanger his life by such surrender, or that he had delivered the body in execution according to the condition of the recognizance, or had been released from such debt under any insolvent law of this state or any bankrupt law of the United States, or the plaintiff has neglected to sue out execution against the original defendant within ten days after being notified by the bail of his desire to surrender such defendant, or has neglected to charge him in execution when he might have done so, then the bail shall be released and discharged from all liability.

CHANGE OF VENUE.

§ 30. Previous to the commencement of any trial before a justice of the peace, the defendant, or his or her agent, may make oath that it is the belief of such deponent that the defendant cannot have an impartial trial before such justice; whereupon, it shall be the duty of the justice immediately to transmit all the papers and documents belonging to the suit to the nearest justice of the peace in the same county, who is not of kin to either party, sick, absent from town, or interested in the event of the suit, as counsel or otherwise, who shall proceed as if the suit had been instituted before him: *Provided*, that distance, as contemplated in this section, shall mean to be by the nearest traveled route.

§ 31. The costs of a change of venue shall abide the result of the suit, and shall not be demanded in advance. To nearest justice of the peace
Costs.

TRIAL AND JUDGMENTS.

§ 32. If both parties agree to have a difference decided by a justice of the peace, without process, he shall enter the same on his docket, noting particularly such consent, and proceed as in other cases. Consent of parties.

§ 33. If the plaintiff or his agent shall not appear at the time appointed for the trial, in any suit, and no sufficient reason shall be assigned to the justice why such plaintiff or his agent does not appear, the justice shall dismiss the suit, and the plaintiff shall pay the costs, unless the defendant shall consent that such suit shall be continued to another day; but this section shall not require the dismissal of a suit on a note or instrument of writing for the payment of money only, placed in the hands of a justice for collection. Non-appearance of plaintiff.

§ 34. If the defendant shall not appear at the time of trial, after giving bail or after being served with a summons, and no sufficient reason be assigned to the justice why he does not appear, the justice shall proceed to hear and determine the cause, but shall not give judgment in favor of the plaintiff, unless the plaintiff shall fully prove his demand, in the same manner as if the defendant were present and denied the same. Non-appearance of defendant.

§ 35. When the parties shall appear and be ready for trial, the justice shall proceed to hear their respective allegations and proofs, and, if the suit be upon a contract, expressed or implied, shall thereupon give judgment against the party who shall be proved to be indebted to the other, for so much money, in dollars and cents, as shall appear to be due, including such interest as is allowed by law, and costs of suit, or for the amount of damages proved; but if neither party shall appear to be indebted, or no damages are proved, the judgment shall be against the plaintiff for Allegations and proofs.

the costs of the suit. If the action is for a tort, the judgment shall be for the plaintiff, for the damages proved and costs of suit; or if no damages are proved, the judgment shall be against the plaintiff for costs.

Two or more
defendants.

§ 36. If suit be brought against two or more defendants, and it shall appear upon the trial that one or more of the defendants is not jointly liable with the others upon the contract or cause of action sued upon, judgment shall be given against such as appear to be liable, and in favor of the others.

Persons jointly
liable.

§ 37. If it shall appear, at any time before final judgment, that any other person is jointly liable with the defendant, in any suit before a justice, such person may be added as a party to the suit, upon the plaintiff's paying all costs that shall be occasioned thereby, and the cause may be continued for services upon such added defendant. The summons shall describe such added defendant as impleaded with the original defendant. In other respects it shall be in like form, and be served and returned as an original summons.

Summons
amended.

§ 38. The justice may, at the request of either party, at any time before the trial, amend the summons and other papers in the case, so as to make the same conform to the true names of plaintiff and defendant; but this section shall not be construed to allow any proceeding against a person not served with process, and not appearing.

Plaintiff may
dismiss.

§ 39. The plaintiff may, at any time before final judgment, at his own costs, dismiss as to any one or more defendants.

One entire
judgment.

§ 40. The justice shall give one entire judgment for the whole amount proved to be due against so many of the defendants, jointly, as shall be proved to be jointly indebted to the plaintiff. But if it shall appear to the justice that any two or more of the defendants are severally indebted to the plaintiff, upon separate and different causes of action, such plaintiff shall not be allowed to bring in such separate claims; nor shall he be barred, by the determination of his suit against such joint defendants, from prosecuting his suit against the respective defendants, for the recovery of such separate demands.

When sum-
mons is not
served.

§ 41. If any summons or *capias* is served on any one or more, but not on all the defendants, the plaintiff shall be at liberty to proceed to trial and judgment in the same manner as if all the defendants were in court, and judgment may be entered and execution issued against the defendants served with process. And the justice of the peace shall, on the application of the plaintiff, issue another summons, in the nature of a *scire facias*, against the defendant or defendants not served with original process, as aforesaid, to cause him or them to appear before said justice of the peace, at some stated time, not less than five nor

more than fifteen days from the date of such *scire facias*, to show cause why he or they should not be made parties to said judgment. And the justice of the peace shall, on return showing service of such *scire facias*, at least three days previous to the time fixed for hearing the same, proceed to hear and determine the matter in the same manner as if such defendant or defendants had been originally served with process, and may grant continuance as in other cases.

§ 42. The *scire facias* shall be substantially in the following form: *Scire facias.*

STATE OF ILLINOIS, }
 County. } ss.

The People of the State of Illinois, to any constable of said county—GREETING:

Whereas, A B did, on the day of, 18.., recover a judgment before the undersigned, one of the justices of the peace of, in and for the county aforesaid, against C D, implead[ed] with E F, for the sum of, as well as costs of suit; you are, therefore, hereby commanded to summon the said E F to be and appear before the undersigned at his office, in, in said county, on the day of, 18.., at ... o'clock — M, to show cause, if any he have, why he shall not be made a party to said judgment; and make due return hereof, as the law directs.

Given under my hand this day of, 18..

....., J. P.

§ 43. On the hearing of such cause, the plaintiff shall be held to make out his case against such added defendant or defendants, as if no judgment had been entered, and such defendant or defendants shall be allowed the benefit of any payment which may have been made on the judgment before recovered; and the judgment of the court, if against the defendant or defendants, shall be that the plaintiff recover of such defendant or defendants, together with the defendant in the former judgment, the amount of his debt or damages, as the case may be; and on such judgment execution may issue against all the defendants as in other cases: *Provided*, that the judgment shall not be for a greater amount than the original judgment, and interest thereon from the time of rendering the same. *Added defendants.*

§ 44. In all cases of trial before a justice of the peace, either party may have the cause tried by a jury if he shall so demand before the trial is entered upon, and will first pay the fees of the jurors. The number of jurors shall be six, or any greater number, not exceeding twelve, as either party may desire. *Trial by jury.*

§ 45. The writ for summoning jurors may be in the following form: *Summons of jurors.*

STATE OF ILLINOIS, }
 County. } ss.

The People of the State of Illinois, to any constable of said county—GREETING:

We command you to summon lawful men of your county to appear before me at, on the day of, 18.., at o'clock — M., who are not of kin to, plaintiff, or to, defendant, to make a jury between said parties, in a certain cause pending before me; and have you then and there the names of the jury and this writ.

Witness my hand this day of, 18..

JOHN DOE, J. P.

Jurors to be sworn—instructions.

§ 46. The jurors may be tried and sworn in the usual manner practiced in courts of record, but they shall not be instructed as to the law by the justice except as to the form of the verdict. Judgment shall be entered in accordance with their verdict: *Provided*, that the justice of the peace may, for good cause, grant a new trial, but no more than one new trial shall be granted in the same case in favor of the same party.

In case of discharge of juror.

§ 47. If any juror, summoned as aforesaid, shall be interested in the event of the suit, or of kin to either party, or shall have formed or expressed his settled opinion on the matter about to be tried, or has served on a jury in any trial before a justice of the peace, at any time within three months, or shall, for any other cause, be a partial or improper juror, in that case the justice shall discharge such juror, at the instance of either party; and when by such discharge, or the failure of any juror to attend, the jury shall not be complete, the justice shall direct the constable to summon as many persons from among the bystanders or other persons, as shall be required to fill such jury, which summons shall be verbal; and the persons so summoned shall be bound to serve on such jury, and on refusal or failure to do so, may be attached and fined for contempt: *Provided*, that each party shall have the right to three peremptory challenges of such jurors.

Claims acquired after suit is commenced.

§ 48. No party shall be permitted to introduce, at the trial, any note, bond, debt, or other claim against his adversary, which he shall have acquired after the commencement of the suit.

All demands to be made at commencement.

§ 49. In all suits which shall be commenced before a justice of the peace, each party shall bring forward all his demands against the other, existing at the time of the commencement of the suit, which are of such a nature as to be consolidated, and which do not exceed two hundred dollars when consolidated into one action or defense; and on refusing or neglecting to do so, shall forever be debarred from suing therefor.

Account to be stated before trial.

§ 50. The justice shall, at the request of either party, made before the trial shall have been entered upon, require the other to exhibit his account or state the nature of his demand or set-off, and upon the trial may preclude the party failing to do so from giving evidence of the same or such part thereof as shall not have been exhibited or stated.

Tender of amount to plaintiff—costs.

§ 51. If the defendant in any suit on a contract express or implied, before a justice, will deposit with the justice the amount actually due the plaintiff, with all costs that shall have accrued at the time, or will pay or tender the same to the plaintiff or his agent or attorney, and in case the same is not accepted, deposit the money with the justice, at or before the time of trial, all costs that shall accrue thereafter shall be adjudged against the plaintiff.

§ 52. When a justice of the peace before whom a suit or proceeding is pending is unable, on account of sickness or other cause, to attend at the time and place fixed for the trial, any other justice of the peace in his county may, at his request, attend at the time and place fixed for the trial and continue the cause to some other day, or if the parties shall agree, may hear the cause instead and in behalf of the justice calling him; and the judgment so entered shall have the same force and effect as if rendered by the justice before whom the suit or proceeding is pending.

Continuance of
cause.

EVIDENCE AND DEPOSITIONS.

§ 53. When either party shall require the attendance of a witness, in any suit pending before a justice, it shall be the duty of the justice to issue a subpoena in the following form, as nearly as the case will admit, viz :

Subpoenas—
how served.

STATE OF ILLINOIS, }
.... County. } ss.

The People of the State of Illinois, to A.... B....:

You are hereby commanded to appear before me at, on the day of, at o'clock ... M., then and there to testify the truth, in a matter in suit, wherein C D is plaintiff, and E F defendant; and this you are not to omit, under the penalty of the law.

Given under my hand, this day of, 18..

JOHN DOE, J. P.

Which subpoena may be served by a constable, or any other person, by reading the same to the witness; but no mileage or fees shall be allowed to the person other than a constable or other officer serving the same.

§ 54. In all cases where a justice of the peace is required to issue a subpoena at the instance of either party to a suit, it shall be his duty to insert the names of four witnesses in each subpoena, if the party demanding the same shall require the attendance of that number; and in no case shall a justice of the peace be permitted to charge and receive pay for any subpoena commanding the citation of a less number, where as many as four shall be required by the same party, at the same time, to be used in the same suit.

Witnesses'
names to be in-
serted.

§ 55. Each witness so summoned shall be entitled to fifty cents per day for attending on each trial, to be taxed with the other costs of suit, and paid when the judgment and costs are collected; but if more than two witnesses shall be sworn in any case to testify to one fact on the same side, the party requiring such extra witness shall be at the whole expense of procuring the same; but no such fee shall be taxed by the justice unless claimed by the witness attending.

Witness fees.

§ 56. No party to any suit before a justice shall be permitted to deny the execution or any indorsement of any written instrument upon which suit shall be founded, or

Denial of exe-
cution.

which shall be offered as a set-off or acquittance for the debt demanded in such suit, unless the said denial be by affidavit of the party so denying the execution or indorsement thereof.

Actions upon
contracts.

§ 57. In trials of actions upon contracts, express or implied, where the action is brought by joint plaintiffs or partners, or by joint payees or obligees, it shall not be necessary for the plaintiff, in order to maintain any such action, to prove the right of plaintiffs to sue, or the co-partnership of the individuals named in such action, or to prove the christian or surnames of such plaintiffs, partners, or joint payees or obligees; but the names of such plaintiffs, co-partners, joint payees or obligees shall be presumed to be truly set forth in the writ: *Provided*, that nothing herein contained shall prevent the defendant or defendants in any such action from proving, on the trial, either that more persons ought to have been plaintiffs, or that more persons have been made plaintiffs than have a legal right to sue, or that the christian or surname is other and different from the one stated in the writ.

Actions against
joint defend-
ants.

§ 58. In actions upon contracts, express or implied, against two or more defendants, as joint defendants or partners or joint obligors or payors, whether so alleged or not, proof of the joint liability or partnership of the defendants, or their christian or surnames, shall not, in the first instance, be required, to entitle the plaintiff or plaintiffs to judgment, unless the defendant or defendants, or any of them, shall deny the partnership or joint liability or the execution of the instrument sued upon, by affidavit.

Cause may be
continued.

§ 59. Either party may have the cause continued a reasonable time, not exceeding one month at any one time, for the purpose of taking the deposition of a witness in like cases as depositions may be taken in courts of record.

Depositions.

§ 60. Depositions in cases before justices of the peace shall be taken upon like notice and in like manner, as near as may be, as depositions may be taken to be used in courts of record.

Continuance of
cause by con-
sent.

§ 61. The justice may, before the commencement of the trial, continue a cause not exceeding ten days at any one time, upon consent of the parties, or for any good cause shown, and either party shall be entitled to such continuance if it shall appear upon his own oath, or that of a creditable witness, that he cannot safely go to trial on account of the absence of material testimony: *Provided*, that no continuance shall be granted on the application of either party, unless it shall appear that he has used due diligence to be ready for trial; nor for the want of evidence, if the other party will admit the facts proposed to be proved, or if the evidence desired is the testimony of a witness that the witness, if present, would testify as alleged by the party

applying for the continuance; and the party making such admission may controvert the facts proposed to be proved by such absent witness.

APPEAL AND CERTIORARI.

§ 62. Appeals from judgments of justices of the peace to the circuit or county court, if such jurisdiction shall be conferred upon the county court by law, shall be granted in all cases except on judgment confessed; and in the county of Cook, appeals may also be granted to the superior court of said county: *Provided*, the party praying for an appeal shall, within twenty days from the rendering of the judgment from which he desires to take an appeal, enter into bond, with security, to be approved and conditioned as hereinafter provided, in substance as follows:

Appeals to circuit or county court.

Know all men by these presents, that we, A B and C D, are held and firmly bound unto E F, in the penal sum of (here insert double the amount of judgment and costs) dollars, lawful money of the United States; for the payment of which, well and truly to be made, we bind ourselves, our heirs and administrators, jointly, severally and firmly by these presents. Form of bond.

Witness our hands and seals this day of, 18..

The condition of the above obligation is such, that whereas the said E F did, on the day of, A. D. 18.., before, justice of the peace for the county of, recover a judgment against the above bounden A B, for the sum of dollars (or for costs, as the case may be); from which judgment the said E F has taken an appeal to the court of the county of, aforesaid. Now, if the said A B shall prosecute his appeal with effect, and pay whatever judgment may be rendered against him by said court upon the trial of said appeal, or by consent, or, in case the appeal is dismissed, will pay the judgment rendered against him by said justice, and all costs occasioned by said appeal (or, if the judgment appealed from is in favor of the appellant, omit the words "the judgment rendered against him by said justice, and,"), then the above obligation to be void: otherwise to remain in full force and effect.

A B, [SEAL.]
C D, [SEAL.]

Approved by me, this day of, 18..

JOHN DOE, J. P.

§ 63. One or more of several plaintiffs or defendants may appeal or sue out a *certiorari* without the consent of the others, and all further proceedings shall thereupon be stayed, the same as if all had united in such appeal or *certiorari*. Where there are several plaintiffs.

§ 64. The appellant may file his bond in the office of the justice who shall have rendered the judgment—such bond to be approved by such justice, whose duty it shall be to suspend all proceedings in the case; and if execution shall have been issued, he shall recall the same, and shall, within twenty days after receiving and approving of the appeal bond, file the same in the office of the clerk of the appellate court, together with all the papers and a transcript of his docket in the case, with a certificate, under his hand, that the said transcript and papers contain a full and perfect statement of all the proceedings before him. Bond filed with justice of peace.

Bond filed with
clerk of court.

§ 65. Or the appealing party may file his bond in the office of the clerk of the appellate court, within the time aforesaid, which bond shall be approved by the clerk; upon the filing and approval of which bond the clerk shall issue a *supersedeas*, enjoining the justice and constable from proceeding any further in said suit, and suspending all proceedings in relation thereto, and shall issue a summons to the appellee, to appear at the term of the court to which the appeal is returnable—which summons shall be served and returned as in other cases.

Supersedeas.

§ 66. So soon as the *supersedeas* issued as aforesaid shall be served on the justice who gave the judgment, and the constable in whose hands an execution or other process may be in relation thereto, they shall suspend all further proceedings thereon; and the said justice shall return all the papers, and a transcript of the judgment he had given, to the clerk of said court, with a certificate, under his hand, that the said transcript and papers contain a full and perfect statement of all the proceedings before him.

Summons re-
turned.

§ 67. In appeals from justices of the peace, when the appeal is taken by filing the appeal bond with the clerk of the appellate court, and summons and alias summons have been duly issued against the appellee, and returned "not found," it shall be lawful for the appellate court to proceed and try the appeal, as if the appellee had been duly served with process.

Appearance of
appellee.

§ 68. In case the appeal from the justice of the peace is perfected by filing the papers and transcript of judgment ten days before the commencement of the term of the court to which the appeal is taken, the appearance of the appellee may be entered in writing and filed among the papers in the case; and if so entered ten days before the first day of the term of court, the case shall stand for trial at that term.

Informality in
bond.

§ 69. No appeal from a justice of the peace shall be dismissed for any informality in the appeal bond. But it shall be the duty of the court, before whom the appeal may be pending, to allow the party to amend the same within a reasonable time, so that a trial may be had on the merits of the case.

When appeal is
taken by one of
several.

§ 70. When an appeal shall be taken by one of several parties from the judgment of a justice of the peace, the clerk of the court shall issue a summons against the other parties, notifying them of the appeal in the said court, and requiring them to appear and abide by and perform the judgment of the court in the premises; which summons shall be served as other process issued in appeal cases; and in case such summons shall be returned that parties are not found, the cause shall, at the first term of the court, be continued, but at the second term may be tried; and the court shall have power to give the same judgment as though all

the parties to the judgment had joined in the appeal, unless the appearance of the appellee shall be entered as herein provided.

§ 71. In cases of appeals from judgments of justices of the peace, the appellee shall be entitled to judgment, not exceeding ten per cent. damages upon the amount of the judgment, if the appeal is dismissed for want of prosecution, or if the court shall be satisfied that the appeal was prosecuted for the purposes of delay.

When appeal is dismissed.

§ 72.. In the appellate court no exception shall be taken to the form or service of the summons issued by the justice of the peace, nor to any proceedings before him; but the court shall hear and determine the same in a summary way, according to the justice of the case, without pleading, in writing.

Proceedings to be summary.

§ 73. If it shall appear, however, that the justice had no jurisdiction of the subject matter of the suit, the same shall be dismissed at the cost of the plaintiff.

Want of jurisdiction.

§ 74. The plaintiff in the justice's court shall be plaintiff in the appellate court, on the trial of the appeal, and the rights of the parties shall be the same as in original actions.

Rights of parties.

§ 75. The judges of the courts, to which appeals may be taken, shall have power, within their respective jurisdiction, and it shall be their duty, upon petition made as hereinafter mentioned, to grant writs of *certiorari* to remove causes from before justice of the peace into their courts, who shall indorse an order for the same upon the petition of the party praying such writ; and on producing the same to the clerk of the court, he shall issue said writ in conformity to the provisions of this act.

Writs of *certiorari*.

§ 76. The petition for a writ of *certiorari* shall set forth and show, upon the oath of the applicant, or his agent, that the judgment before the justice of the peace was not the result of negligence in the party praying such writ; that the judgment, in his opinion, is unjust and erroneous, setting forth wherein the injustice and error consists, and that it was not in the power of the party to take an appeal in the ordinary way, setting forth the particular circumstances which prevented him from so doing.

Writ to specify error.

§ 77. No writ of *certiorari* shall issue after the expiration of six months from the time of the rendition of judgment.

Time of expiration.

§ 78. Before any writ of *certiorari* shall issue, the party applying therefor shall give bond, with security, in the same manner and with the same conditions, and when the same shall be defective, may be perfected as bonds in cases of appeals from justices of the peace. The writ of *certiorari* shall require the justice to certify to the court issuing the writ a transcript of the judgment and other proceedings had before him; and in no case shall the justice be required to send up a minute or memorandum of the evidence given

Bond to be given

before him; but upon the return of said writ, such proceedings shall be had thereon as in cases of appeals.

Stay of proceedings.

§ 79. The justice of the peace, constables, and other persons concerned, shall, as soon as the writ of *certiorari* shall be served on such officer, stay all further proceedings in that case, until the further order of the court issuing the writ.

Reversal of judgment.

§ 80. If the judgment of the justice shall be reversed by the court, in whole or in part, such reversal shall not vitiate any sale on execution which shall have been effected before the issuing of the writ of *certiorari*; but in such cases the court shall have power to assess the damages which shall have accrued in consequence of such sale, and to cause judgment to be entered or a deduction made therefor; and in all cases of a partial reversal of judgment, either in case of appeals or *certiorari*, the court shall have power to apportion the costs between the parties, according to justice.

EXECUTION.

Execution may issue.

§ 81. Execution may issue out of the court on all judgments rendered in cases of appeal and *certiorari*, as in cases originating in such court.

Not to issue for twenty days.

§ 82. No execution shall be issued by a justice of the peace in any civil case until after the expiration of twenty days from the date of the judgment on which such execution is to be issued, unless the party applying for the same, his agent or attorney, shall make oath that he believes that the debt will be lost unless execution be issued forthwith. If such oath be made, then the execution shall be issued immediately and levied; but no sale of any property under such execution shall take place within twenty days from the date of the judgment; nor shall the issuing of such execution deprive either party of the right to appeal.

Actions in tort.

§ 83. Upon all judgments in actions in tort, or where the defendant is in custody or has been held to bail upon a *capias*, as provided in this act, the justice may issue an execution against the body or goods and chattels of the defendant, at the election of the plaintiff.

When execution is unsatisfied.

§ 84. When the judgment creditor is not entitled to an execution against the body of the defendant, under the preceding section, if upon the return of an execution against the goods and chattels of the defendant unsatisfied in whole or in part, the judgment creditor, or his agent or attorney, shall file with the justice of the peace from whom the execution issued, an affidavit stating that demand has been made upon the debtor for the surrender of his moneys, goods and chattels for the satisfaction of such execution, and that he verily believes such debtor has moneys, goods and chattels not exempt from execution, which he unjustly refuses to surrender, or that since the debt was contracted, or the cause of action accrued, the debtor has fraudulently

conveyed, concealed, or otherwise disposed of some part of his moneys, goods and chattels, with a design to secure the same to his own use or defraud his creditors; and also setting forth, upon his knowledge, information or belief in either case, the facts showing that such belief is well founded; such justice of the peace, if he shall be satisfied that the facts so set forth justify such belief, shall issue an execution against the body of the judgment debtor.

§ 85. All executions issued by a justice of the peace, except executions against the body, shall be directed to any constable of the proper county, and made returnable to the justice issuing the same, within seventy days from the date. Such executions shall be levied only on personal property, and shall be in the following form, as nearly as may be, viz :

STATE OF ILLINOIS, }
.... County. } ss.

The People of the State of Illinois, to any constable of said county—GREETING:

We command you, that of the goods and chattels of A B, in your county, you make the sum of dollars and cents judgment, and dollars and cents costs, which C D lately recovered before me in a certain plea, against the said A B; and hereof make return to me within seventy days from this date. Given under my hand this .. day of ..., 18...

JOHN DOE, J. P.

§ 86. Executions against the body shall be directed in the same manner and made returnable in the same time, and may be substantially in the following form :

STATE OF ILLINOIS, }
.... County. } ss.

The People of the State of Illinois, to any constable of said county—GREETING:

We command you, that of the goods and chattels of A B, in your county, you make the sum of dollars and cents judgment, and dollars and cents costs, which C D lately recovered before me against the said A B, and for want of such goods and chattels, that you take the body of the said A B, and him convey and deliver unto the keeper of the jail of said county, who is hereby commanded to receive and keep the said A B in safe custody until the said sum and all legal expenses be paid and satisfied, or until he is discharged by due course of law, and hereof make return to me within seventy days from this date. Given under my hand this day of ..., 18...

JOHN DOE, J. P.

§ 87. The personal property of every defendant in a judgment before a justice of the peace, not exempt from execution, shall be bound for the payment of such judgment, from the delivery of the execution issued thereon, to the constable; and the real property of such defendant, not exempt from execution, shall be bound as aforesaid, from the date of the filing of a transcript of the judgment in the clerk's office, as provided in this act.

§ 88. Every constable to whom an execution shall be delivered, shall indorse on the back of the same an exact memorandum of the day and hour when the same shall have come to his hands, and shall immediately proceed to levy the same, indorsing also on the back of the execution the date of such levy, and make an exact inventory of the property on which the same shall have been levied; and

Executions on personal property.

Executions against the body

Personal property bound for judgment.

Duties of the constable.

shall appoint a day and hour for the sale of said property, giving ten days' previous notice of such sale, by advertisement in writing, to be posted up at three of the most public places in the vicinity where the sale is to be made; and on the day so appointed, the said constable shall sell the property so levied on, or so much thereof as may be necessary to pay the judgment, interest and costs, to the highest bidder.

may remove
property.

§ 89. Any constable shall be authorized to remove property levied on by him when it shall be necessary for the safe keeping of the same: *Provided*, that if the defendant shall desire to retain the property so levied on, until the day of sale, it shall be lawful for the said constable to allow the defendant so to keep the same, if said defendant or his agent shall give bond to said constable, in double the amount of the execution, with good security, conditioned for the delivery of said property to the same constable, at the time and place of sale to be named in said bond. And if the said property shall not be delivered as aforesaid, at the time and place of sale, the constable having the execution may proceed to levy the same upon the same or any other property of the defendant, or upon the property of the security in such bond, and shall sell the same, giving two days' public notice of such sale by advertisement, to be posted at one public place.

may collected

§ 90. On the return of any execution, the constable shall pay over to the justice of the peace who issued the same, all money collected thereon not previously paid over to the plaintiff, including unpaid costs and witness fees.

executions to
other counties.

§ 91. When it shall appear, by the return of any execution issued as aforesaid, that the defendant has not personal property within the county sufficient to satisfy the debt, and it is desired by the plaintiff to have execution issued to some other county, in which it is alleged that the defendant has personal property, the justice shall issue execution, directed to any constable of the county where such property shall be said to be, to which execution shall be attached an official certificate of the county clerk of the county in which the same shall be issued, setting forth that such justice was, at the time of issuing of said execution, a justice of the peace in and for said county.

return to be
made as in other
cases.

§ 92. When an execution shall be issued to another county, as provided in the preceding section, it shall be the duty of the constable receiving the same to proceed to the collection of the same, and make return as in other cases.

When debtor
arrested.

§ 93. When a debtor shall be arrested by virtue of an execution against his body, he shall be conveyed to the county jail of the county of the constable who made the arrest, and delivered to the jailer, who shall keep him in safe custody until he shall satisfy the execution or be dis-

charged according to law. Immediately upon the arrest of the defendant, the officer making the same shall give notice thereof to the plaintiff, his agent or attorney, if in the county.

§ 94. If the debtor shall escape from arrest upon an execution against his body, he may be re-arrested upon the same or another warrant in the same case, or execution may issue against his property.

Escape from arrest.

TRANSCRIPT.

§ 95. When it shall appear, by the return of an execution first issued, as aforesaid, that the defendant has not personal property sufficient to satisfy the judgment and costs within the county in which judgment was rendered, and it is desired by the plaintiff to have the same levied on real property in that or any other county, it shall be lawful for the justice to certify to the clerk of the circuit court of the county in which such judgment was rendered, a transcript, which shall be filed by said clerk, and the judgment shall thenceforward have all the effect of a judgment of the said court, and execution shall issue thereon out of that court, as in other cases.

To be filed with circuit clerk.

§ 96. Every transcript desired to be used for the purposes aforesaid, shall be certified, by the justice of the peace making the same, to be truly copied from the files and books of his office, and shall contain a copy of the original and each subsequent summons or process issued by the justice of the peace, the return of the officer or officers thereon, the judgment and the execution or executions issued thereon, with the return of the officer upon the same, and a copy of his docket in the case.

To be certified by the justice.

§ 97. The clerk of the circuit court of each county in the state shall procure a well bound book, in which to record the transcripts of judgments of justices of the peace, filed in his office, for the purpose of obtaining executions to be levied on real estate; and all such transcripts shall be recorded at length, in said book, before any execution is issued thereon.

Transcript record.

TRIAL OF RIGHT OF PROPERTY.

§ 98. When personal property is taken on execution or attachment issued by a justice of the peace, and such property is claimed by a person other than the defendant therein, and such claimant shall give notice, in writing, to the constable of his claim to such property, the constable shall notify the plaintiff in such writ, or his agent or attorney, of such claim, and shall also notify such plaintiff and the claimant before what justice and at what time and place a trial of the right of such property will be had.

Plaintiff to be notified.

Trial.

§ 99. The trial of the right of property in such cases shall be before the justice of the peace who issued such writ, if he reside in the county; or if he should be unable to attend to such trial, before some other justice of the peace in such county, or before some justice of the peace in the county where the levy is made, in case the writ was issued from another county.

Case to be docketed.

§ 100. The justice shall enter such case on his docket, and the trial shall be had therein in the same manner as in other trials before justices of the peace. A change of venue may be taken as in other cases.

Judgment for costs.

§ 101. In case the property shall appear to belong to the claimant, judgment shall be entered against the plaintiff in the execution or attachment for costs, and the property levied upon shall be released. If it shall appear that the property does not belong to the claimant, judgment shall be entered against him for costs, including such additional costs as shall have been made by the delay in the execution of such writ.

Appeals.

§ 102. An appeal may be taken as in other cases, provided the same is prayed on the day of the entering of judgment, and the bond shall be given within five days from the time of entering of the judgment. Writs of *certiorari* may be sued out as in other cases.

Indemnity to constables.

§ 103. The judgment in such cases shall be a complete indemnity to the constable in proceeding to sell or restore any such property; and in case of an appeal the constable shall retain such property, unless the party claiming, or the defendant in the execution, or his agent, shall enter into a bond, with sufficient security, for the delivery of such property to the officer, if the judgment of the court shall be against the party giving such bond.

COLLECTION BY JUSTICES AND CONSTABLES.

Justices to receive money.

§ 104. Justices of the peace are authorized, and it is hereby made their duty, to receive money on all notes and demands which may have been placed in their hands for suit or collection, and upon judgment rendered by them.

Failure to pay over money.

§ 105. Upon the failure of a justice of the peace or constable to pay over any money by him collected or received, as herein provided, to any person entitled to receive the same, his or her agent or attorney, on demand being made, such person may proceed against such justice or constable in a summary way, either before a court of record having common law jurisdiction, or some justice of the peace of the proper county, by motion, upon giving to such justice or constable five days' notice of the application, and recover the amount so neglected or refused to be paid, with twenty per cent. damages thereon for such detention, and shall

have execution therefor, but such proceeding shall not affect the right of action on the bond.

§ 106. If any justice or constable against whom proceedings shall have been commenced, as provided in the preceding section, shall, before judgment, pay or satisfy the amount claimed by the party prosecuting, with the costs, the proceedings shall be dismissed, and without judgment for the damages specified in the preceding section.

Payment before judgment.

JUSTICES AND CONSTABLES GOING OUT OF OFFICE.

§ 107. When any justice of the peace shall resign his office, or remove from the town or precinct in which he was elected, it shall be his duty to deliver over his docket and papers relating to the business transacted before him, to the nearest justice of the peace of his county, and to return to the office of the county clerk all copies of the statutes which he may have received from that office; and in case of the death of any justice of the peace, it shall be the duty of the person having possession of said docket, papers and statutes, to deliver them over, as aforesaid. Upon the election and qualification of the successor of such justice of the peace, the docket, papers and statutes of such justice of the peace shall be handed over to his successor in office, and which successor in office shall proceed to the completion of unfinished business, as though the term of office of such justice of the peace who may die, resign or remove had expired.

Resignation of justice.

§ 108. Whenever the term of office for which any justice of the peace may have been elected shall expire, it shall be the duty of such officer to deliver over his docket, statutes, and all papers relating to the business transacted before him, to his successor in office, upon demand, after such successor shall have been qualified according to law; whose duty it shall be to proceed to the completion of all unfinished business, to issue executions upon judgments remaining unsatisfied upon such docket, and to collect the same, and have the same power in respect to such docket and papers as if the same pertained to proceedings originally instituted before him.

Expiration of term.

§ 109. When the docket and papers of any justice of the peace shall be transferred to any other justice of the peace, such justice receiving the same may proceed to the completion of all unfinished business, issue execution upon judgments remaining unsatisfied upon such docket, and collect the same, and have the same power in respect to such docket and papers as if the same pertained to proceedings originally instituted before him.

§ 110. Any justice of the peace failing or refusing to deliver any statute books, dockets or papers to his successor in office, or the person entitled to the same, for the space of

Failure to turn over books, etc.

ten days after the same are demanded by his qualified successor, or by the person entitled to the same, shall forfeit and pay a sum not less than ten dollars, nor more than one hundred dollars, to be recovered by an action of debt, in the name of the county, for the benefit thereof; and he and his securities in his official bond shall be liable to all persons interested for all damages and losses which may be sustained by reason of such failure or refusal.

Duties of the
county clerk.

§ 111. Upon the application of any person who shall be elected to the office of justice of the peace in any town or precinct in this state, to the county clerk, to become qualified to hold said office, by filing his bond, according to law, it shall be the duty of said clerk to determine who such justice of the peace shall succeed in office in the town or precinct where he was elected, and enter his name upon the list of justices of the peace that is required by law to be kept, as such successor, and shall draw an order upon the justice of the peace whose term of office shall have expired, to deliver over all books and papers, as required by this act, to such successor in office: *Provided*, that whenever any person shall be reelected to said office, he shall be his own successor.

After expira-
tion of term.

§ 112. Any constable to whom an execution shall have been delivered, and whose term of office shall expire before the expiration of the time within which the return of such execution is required by law, shall be authorized to proceed in all matters relating to said execution, and in the same manner to collect the same, that he might have done, had the term of office of such constable not have expired; and the constable and sureties shall be liable for any neglect of duty, and for all moneys collected upon such execution, in the same manner and to the same extent they would have been if the term of office of such constable had not expired; and any process in the hands of a constable, which shall not be completely executed when he may die, resign or be removed from office, may be completed by any other constable of the county.

REMEDIES UPON BONDS OF JUSTICES AND CONSTABLES.

Suits—how
brought.

§ 113. All suits upon the official bonds of justices of the peace and constables shall be brought in the name of the People of the State of Illinois for the use of the person or persons interested. This section shall apply to all bonds heretofore given to the county commissioners' court and county court, or otherwise, as well as to all bonds hereafter to be given; and such suits may be brought before justices of the peace where the amount claimed is under two hundred dollars.

Judgment for
penalty and
damages.

§ 114. When the official bond of a justice of the peace or constable is put in suit, judgment shall be entered for

the full amount of the penalty of the bond, and for such an amount, as damages, to the use of the party putting the same in suit, as he is found to be entitled to recover, and costs of suit. Execution thereon shall be satisfied by the payment of the damages and interest thereon, and costs of suit.

§ 115. When judgment shall have been rendered on the official bond of a justice of the peace or constable, any person having a right to recover for a breach of the conditions of such bond may, upon petition to the court in which the judgment is rendered, setting forth, substantially, his cause of action, have a *scire facias* in the usual form, against the defendants in such judgment, to appear, and show cause why execution should not issue on such judgment for the amount claimed by the petitioner, and such proceedings may be had thereon as in other like cases. When judgment is rendered.

§ 116. Upon a finding in favor of the petitioner, the damages due him shall be assessed and judgment entered therefor, with costs of suit, to his use, and an alias execution issued upon such original judgment, to be satisfied upon the payment of such damages with interest thereon and costs. Alias execution.

§ 117. When judgment shall have been rendered against any justice of the peace or constable and his securities on his official bond, execution may issue against all of them, but the officer executing the same shall not levy upon the property of the securities until he shall fail to find sufficient property of the justice of the peace or constable to satisfy such execution: *Provided, however*, the execution shall be a lien upon the property of the securities as in other cases. Execution ag't securities.

§ 118. Securities shall not be liable in execution beyond the amount of the penalty of their bond, but the liability of the principal shall continue after the penalty of the bond is exhausted, and the court may continue to award execution, as occasion shall require, against him alone, for such excess without a new suit. Liability of securities.

§ 119. In suits on the official bonds of justices of the peace and constables, a copy of such bond, authenticated under the official signature and seal of the county clerk, with whom it is filed, may be read in evidence. Bond in evidence.

§ 120. Justices and constables, and their securities, may have the benefit of appeal, *certiorari*, and writ of error, from all decisions and judgments rendered in suits against them, as is provided in other cases. Appeals.

§ 121. If any constable shall fail or neglect to return an execution within ten days after its proper return day; or if the demand, debt or claim be wholly or in part lost; or if any special damage shall arise to any party by reason of the neglect or refusal to act, or the misfeasance or nonfeasance of any constable in the discharge of any official duty, the party aggrieved may have his action in any court of Failure to return execution.

competent jurisdiction, against such constable and his sureties, on the official bond of such constable, and shall recover thereon the amount of said execution and costs, with interest from the date of the judgment upon which the original execution issued.

GENERAL PROVISIONS.

Justice to keep record.

§ 122. It shall be the duty of every justice, whenever a suit shall be commenced before him, to record, in a well bound book kept for that purpose, the names of the parties, the amount and nature of the debt sued for, the date and description of the process issued, and the name of the officer to whom such process shall be delivered, and throughout the whole of the proceedings in any suit it shall be his duty, whenever any process shall be issued or returned, or any order made, or judgment rendered, to make a written memorandum of the same, in the same book, and to file and safely keep all papers given him in charge. In all cases where a witness shall be duly served with a subpoena, and shall fail to attend at the trial, conformably thereto, and in all cases where a person shall be summoned as a juror, to try any cause before a justice of the peace, and shall fail to attend at the time and place appointed in such summons, the justice shall have power to issue an attachment, directed to any constable of the county, commanding him forthwith to bring before such justice the body of such juror or witness so failing to attend, as aforesaid, to show cause why he should not be fined for such contempt; and on the appearance of such juror or witness on such attachment, it shall be lawful for the justice of the peace to fine him, in any sum not less than one dollar nor more than ten dollars, or wholly discharge him, if satisfactory excuse be made.

Demeanor before justices.

§ 123. Every person who shall appear before a justice of the peace, when acting as such, or who shall be present at any legal proceeding before a justice, shall demean himself in a decent, orderly and respectful manner; and for failure to do so, such person shall be fined by the said justice for contempt, in any sum not more than five dollars.

To post list of witnesses.

§ 124. It shall be the duty of the justice of the peace to post up in his office, at least once in three months, a list of all witness fees in his hands, and the names of the persons to whom the[y] belong; and for a failure to comply with this provision, a justice of the peace shall be liable to a fine of fifty dollars, to be recovered by action of debt in the name of the People of the State of Illinois.

Acts repealed.

§ 125. The following acts and parts acts, except as herein reenacted, are hereby repealed, to-wit:

Chapter fifty-nine of the Revised Statutes of 1845, entitled "Justices of the peace and constables," excepting so much thereof as pertains to the jurisdiction of and pro-

ceedings before justices of the peace in criminal cases and cases of misdemeanors.

First—An act entitled "An act to amend chapter fifty-nine of the Revised Statutes of 1845," approved February 8, 1849.

Second—An act entitled "An act to provide for recording transcripts of judgments of justices of the peace," approved February 27, 1845.

Third—An act entitled "An act amendatory to the practice act," approved February 10, 1849.

Fourth—Sections 6, 16 and 19 of an act entitled "An act establishing county courts, and providing for the election of justices of the peace and constables, and for other purposes," approved February 12, 1849.

Fifth—An act entitled "An act to amend chapter fifty-nine, Revised Statutes, entitled justices of the peace and constables," approved February 18, 1857.

Sixth—An act entitled "An act to amend chapter fifty-nine of the Revised Statutes, entitled justices of the peace and constables," approved February 18, 1861.

Seventh—An act entitled "An act to change the practice in appeal cases," approved February 22, 1861.

Eighth—An act entitled "An act to amend chapter fifty-nine of the Revised Statutes, entitled justices of the peace and constables," approved February 1, 1863.

Ninth—An act entitled "An act to amend chapter fifty-nine of the Revised Statutes of 1845," approved February 21, 1863.

Tenth—An act entitled "An act to extend the jurisdiction of justices of the peace," approved February 15, 1855.

Eleventh—An act entitled "An act to extend the jurisdiction of justices of the peace and police magistrates in certain cases," approved March 25, 1869.

Twelfth—An act entitled "An act to amend sections fifty-one (51) and fifty-eight (58) of chapter fifty-nine (59) of the Revised Statutes, entitled justices of the peace and constables," approved March 27, 1869.

Thirteenth—An act entitled "An act to increase the jurisdiction of justices of the peace and police magistrates," filed in the office of the secretary of state April 26, 1871.

Fourteenth—Also, chapter ninety-one of the Revised Statutes of 1845, entitled "Right of property," and all acts and parts of acts inconsistent with this act. This section shall not be construed to affect any right or remedy existing at the time this act takes effect.

APPROVED April 1, 1872.

In force July 1, 1871. AN ACT to increase the jurisdiction of justices of the peace and police magistrates.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the jurisdiction of justices of the peace and police magistrates be and is hereby increased to two hundred dollars in all civil causes in which they now have or may hereafter have jurisdiction.

This bill having been laid before the governor on the 14th day of April, 1871, and the same having been filed by the governor with the secretary of state, on the 27th day of April, A. D. 1871, without his approval, said bill, by virtue of section 16, article 5 of the constitution, has become a law. In force July 1st, 1871.

EDWARD RUMMEL,
Secretary of State.

In force July 1, 1872. AN ACT concerning the increase of the jurisdiction of justices of the peace and police magistrates.

Jurisdiction increased. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the jurisdiction of justices of the peace and police magistrates be and is hereby increased to two hundred dollars in all civil cases in which they now have or may hereafter have jurisdiction.

Bonds. § 2. All justices of the peace, police magistrates and constables hereafter elected, shall be required to give bonds in twice the amount now required by law.

APPROVED March 5, 1872.

In force March 30, 1871. AN ACT relating to justices of the peace in the city of Chicago.

Emergency. WHEREAS the constitution provides that all justices of the peace in the city of Chicago shall be appointed, and the term of office of all justices of the peace in said city has expired and their successors have not been appointed, thereby an emergency exists: therefore,

Judges of the courts in Cook county to recommend. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the judges of the circuit, superior and county courts of Cook county, a majority of the judges concurring therein, on or before the first day of April, in the year of our Lord one thousand eight hundred and seventy-one, and

every four years thereafter, to recommend to the governor fit and competent persons to fill the several offices of justice of the peace in each of the towns of North Chicago, South Chicago and West Chicago, in the city of Chicago; and the persons thus recommended the governor shall nominate, and by and with the advice and consent of the senate (a majority of the senators elected concurring by yeas and nays) appoint, justices of the peace in and for each of said towns, respectively. And in case the governor rejects any person recommended, or the senate refuse to confirm any person nominated, the governor shall give notice of such rejection or refusal to the said judges, who shall, within ten days after receiving such notice, recommend some other fit and competent person for such appointment: *Provided*, said persons so recommended shall be electors in the towns in and for which they are to be appointed such justices of the peace.

§ 2. Justices of the peace appointed under this act shall be commissioned by the governor, and hold their office for four years and until their successors have been commissioned and qualified, and shall have the same qualifications for holding office, the same jurisdiction, power and authority, and be subject to the same liabilities, and shall execute bonds, and be sworn and be governed by the same rules and regulations as justices of the peace elected.

To be commissioned by the governor.

§ 3. In case of a vacancy during a recess of the senate in the office of any justice of the peace in the city of Chicago, the governor, upon the recommendation of said judges, shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person recommended by said judges to fill such vacancy; and any person so nominated and confirmed by the senate shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. If the senate are not in session when the first appointments are made under this act, the persons so appointed shall hold their offices as herein provided in case of vacancy.

Vacancies.

§ 4. Upon complaint made by any person, under oath, against any justice of the peace appointed as aforesaid, for extortion or other malfeasance in office, such complaint setting forth particularly the facts in the case, and filed in the office of the clerk of the circuit or superior court of Cook county, the clerk of said court shall issue a summons, in the name of the People of the State of Illinois, against such justice of the peace, returnable according to law; and such justice of the peace may appear and answer such complaint under oath, and if found guilty of extortion or other malfeasance in office, upon trial of the issue by the court or a jury, such justice of the peace shall be removed from his office, and the office be declared vacant by said court; such

Complaints against justices.

complaint shall be signed by the state's attorney of Cook county, and it is hereby made the duty of said state's attorney to prosecute all actions commenced under this act.

§ 5. This act shall take effect from and after its passage.

APPROVED March 30, 1871.

LANDS.

In force July 1, 1872. AN ACT in relation to the mode of proving title to the lands granted to the Illinois Central Railroad Company.

Record (or
transcript)
of
lands selected.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever it shall become necessary, in any legal proceeding, to prove the title of the Illinois Central Railroad Company, or of the trustees of said railroad company, or of any person claiming title through or under said company or trustees, to any of the lands granted by the state to said railroad company under the provisions of the act incorporating said company, the record in the proper county (or a transcript of such record, duly certified by the custodian thereof,) of the list purporting to contain the tracts of land selected by said railroad company in such county, and purporting to be certified by the commissioner of the general land office as being a true abstract from the original list of selections by said company, shall be sufficient *prima facie* evidence of title in the said railroad company or the trustees thereof, as the case may be, to the lands embraced in such list; and the record in the proper county (or a duly certified copy thereof by the custodian of such record) of the map or profile of said railroad or branches, shall be sufficient *prima facie* evidence of the line of location of said railroad or its branches in such county.

Trustees.

§ 2. A copy of the commission issued by the governor or by the president of said railroad company to any successor of any of the original trustees (or any of their successors) named in said act of incorporation, certified by the secretary of state, under the great seal of the state, or by the commissioner of the land department of said railroad company or its president, under the common seal of said company, as the case may be, shall be sufficient *prima facie* evidence of the regular appointment and due authority of the person named as trustee in such commission.

APPROVED March 7, 1872.

AN ACT to cede jurisdiction to the United States over certain land, and for the purchase and condemnation thereof. In force Dec. 14, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the United States shall have power to purchase or to condemn, in the manner prescribed by law, upon making just compensation therefor, any land in the state of Illinois required for custom houses, arsenals, light houses, national cemeteries, or for other purposes of the government of the United States. Power to purchase or condemn.

§ 2. The United States may enter upon and occupy any land which may have been or may be purchased or condemned, or otherwise acquired, and shall have the right of exclusive legislation and concurrent jurisdiction, together with the state of Illinois, over such land and the structures thereon, and shall hold the same exempt from all state, county and municipal taxation. May enter upon and occupy.

§ 3. Whereas, by the burning of the United States post office, custom house, and United States court rooms, in the city of Chicago, an emergency exists requiring this act to take effect immediately: therefore this act shall take effect from and after its passage. Emergency.

APPROVED December 14, 1871.

AN ACT to amend an act entitled "An act to cede jurisdiction to the United States over certain land, and for the purchase and condemnation thereof," approved December, 14 A. D. 1871. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That "An act to cede jurisdiction to the United States over certain land, and for the purchase and condemnation thereof," approved December fourteen, in the year of our Lord one thousand eight hundred and seventy-one, and which was and is as follows, to-wit: Act to cede jurisdiction.

"SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the United States shall have power to purchase or condemn, in the manner prescribed by law, upon making just compensation therefor, any land in the state of Illinois required for custom houses, arsenals, light houses, national cemeteries, or for other purposes of the government of the United States.

"§ 2. The United States may enter upon and occupy any land which may have been or may be purchased or

condemned, or otherwise acquired, and shall have the right of exclusive legislation and concurrent jurisdiction, together with the state of Illinois, over such land and the structures thereon, and shall hold the same, exempt from all state, county and municipal taxation.

“§ 3. Whereas by the burning of the United States post office, custom house, and United States court rooms, in the city of Chicago, an emergency exists requiring this act to take effect immediately: therefore this act shall take effect from and after its passage.”

—Be and the same is hereby amended by adding thereto as follows:

Condemnation
of streets or al-
leys.

§ 4. That in case there shall be any street or alley running through any block or tract of land so purchased or acquired by the said United States for any of the purposes described in the said act hereinbefore set forth, all that portion of such street or alley within such block or tract of land, shall, upon the purchase of the same by the United States, or the transfer of the same to the United States by condemnation or otherwise, for any of the purposes aforesaid, be and the same is hereby vacated and closed, and the lots or tracts of land abutting upon any such street or alley shall extend to the centre line thereof, and vest in the said United States, and become the property thereof, with full right, power and authority to use, occupy and enjoy the same as its own property in fee, to the same extent as though the same had never been used or occupied as a street or alley; and the said act to which this is an amendment, shall apply to the said portion of such street or alley so vacated to the same extent as to the block or tract of land so purchased or to be purchased or condemned for any of the purposes aforesaid.

APPROVED March 7, 1872.

LIQUORS, SALE OF.

In force July 1, 1872. AN ACT to provide against the evils resulting from the sale of intoxicating liquors in the state of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be unlawful for any person or persons, by agent or otherwise, without first having obtained a license to keep a grocery, to sell in any quantity, intoxicating liquors to be drank in, upon or about the building or premises where sold, or to

License—bond.

sell such intoxicating liquors to be drank in any adjoining room, building or premises, or other place of public resort connected with said building: *Provided*, that no person shall be granted a license to sell or give away intoxicating liquors, without first giving a bond to the municipality or authority authorized by law to grant license (which bond shall run in the name of the People of the State of Illinois, and be in the penal sum of three thousand dollars, with at least two good and sufficient securities, who shall be freeholders), conditioned that they will pay all damages to any person or persons which may be inflicted upon them, either in person or property, or means of support, by reason of the person so obtaining a license, selling or giving away intoxicating liquors; and such bond may be sued and recovered upon for the use of any person or persons, or their legal representatives, who may be injured by reason of the selling intoxicating liquors by the person or his agent so obtaining the license.

§ 2. It shall be unlawful for any person or persons, by agent or otherwise, to sell intoxicating liquors to minors, unless upon the written order of their parents, guardians or family physicians, or to persons intoxicated, or who are in the habit of getting intoxicated. Minors.

§ 3. All places where intoxicating liquors are sold in violation of this act shall be taken, held and declared to be common nuisances; and all rooms, taverns, eating houses, bazars, restaurants, drug stores, groceries, coffee houses, cellars, or other places of public resort where intoxicating liquors are sold in violation of this act, shall be shut up and abated as public nuisances, upon conviction of the keeper thereof, who shall be punished as hereinafter provided. Common nuisances.

§ 4. Every person who shall, by the sale of intoxicating liquors, with or without a license, cause the intoxication of any other person, shall be liable for and compelled to pay a reasonable compensation to any person who may take charge of and provide for such intoxicated person, and two dollars per day in addition thereto for every day such intoxicated person shall be kept in consequence of such intoxication; which sums may be recovered in an action of debt before any court having competent jurisdiction. Liable for intoxication.

§ 5. Every husband, wife, child, parent, guardian, employer or other person, who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action in his or her own name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors, have caused the intoxication, in whole or in part, of such person or persons; and any person or persons owning, renting, leasing or permitting the occupation of any building Right of action.

Damages.

or premises, and having knowledge that intoxicating liquors are to be sold therein, or who, having leased the same for other purposes, shall knowingly permit therein the sale of any intoxicating liquors that have caused, in whole or in part, the intoxication of any person, shall be liable, severally or jointly, with the person or persons selling or giving intoxicating liquors aforesaid, for all damages sustained, and for exemplary damages; and a married woman shall have the same right to bring suits and to control the same and the amount recovered, as a *feme sole*; and all damages recovered by a minor under this act, shall be paid either to such minor, or to his or her parent, guardian or next friend, as the court shall direct; and the unlawful sale, or giving away of intoxicating liquors, shall work a forfeiture of all rights of the lessee or tenant, under any lease or contract of rent upon the premises where such unlawful sale or giving away shall take place; and all suits for damages under this act may be by any appropriate action in any of the courts of this state having competent jurisdiction.

Penalty for violation.

§ 6. For every violation of the provisions of the first and second sections of this act, every person so offending shall forfeit and pay a fine of not less than twenty nor more than one hundred dollars, and be imprisoned in the jail of the county not less than ten nor more than thirty days, and pay the costs of prosecution; and for every violation of the provisions of the third section of this act, every person convicted as the keeper of any of the places therein declared to be nuisances, shall forfeit and pay a fine of not less than fifty nor more than one hundred dollars, and be imprisoned in the jail of the county for not less than twenty nor more than fifty days, and pay the costs of prosecution; and such place or places, so kept by such person or persons so convicted, shall be shut up and abated upon the order of the court before whom such conviction may be had, until such time as such person or persons keeping such places shall give bond and security, to be approved by said court, in the penal sum of one thousand dollars, payable to the state of Illinois, conditioned that he, she or they will not sell intoxicating liquors contrary to the laws of this state, and will pay all fines, costs and damages assessed against such keeper or keepers, for any violation thereof; and in case of a forfeiture of such bond, suit may be brought thereon, for the use of any person interested, or for the use of the county, in case of a fine or costs due such county: *Provided*, that the penalties in the nature of fines, mentioned in this section, may be enforced separately from the imprisonment, before justices of the peace or police magistrates.

Unlawful selling.

§ 7. The giving away of intoxicating liquors, or other shift or device to evade the provisions of this act, shall be deemed and held to be an unlawful selling, within the provisions of this act.

§ 8. For the payment of all fines, costs and damages, ^{Liability for} assessed against any person or persons, in consequence of ^{fines and dam-} the sale of intoxicating liquors, as provided in section five of this act, the real estate and personal property of such person or persons, of every kind, except such as may be exempt under the homestead laws of this state, or such as may be exempt from levy and sale upon judgment and execution, shall be liable; and such fines, costs and damages shall be a lien upon such real estate until paid; and in case any person or persons shall rent or lease to another or others, any building or premises to be used or occupied, in whole or in part, for the sale of intoxicating liquors, or shall permit the same to be so used or occupied, such building or premises so used or occupied shall be held liable for and may be sold to pay all fines, costs and damages assessed against any person or persons occupying such building or premises. Proceedings may be had to subject the same to the payment of any such fine and costs assessed or judgment recovered, which remain unpaid, or any part thereof, either before or after execution shall issue against the property of the person or persons against whom such fine and costs or judgment shall have been adjudged or assessed; and when execution shall issue against the property so leased or rented, the officer shall proceed to satisfy said execution out of the building or premises so leased or occupied as aforesaid; and in case such building or premises belong to a minor, insane person or idiot, the guardian of such minor, insane person or idiot, and his or her real and personal property, shall be held liable instead of such minor, insane person or idiot, and his or her property shall be subject to all the provisions of this section relating to the collection of fines, costs and damages.

§ 9. The penalty and imprisonment mentioned in the ^{Indictment.} sixth section of this act may be enforced by indictment in any court of record having criminal jurisdiction; and all pecuniary fines or penalties provided for in any of the sections of this act (except the fourth and fifth) may be enforced and prosecuted for, before any justice of the peace of the proper county, in an action of debt, in the name of the People of the State of Illinois, as plaintiff; and in case of conviction the offender shall stand committed to the common jail until the judgment and costs are fully paid, and the magistrate or court in which the conviction is had shall issue a writ of *capias ad satisfaciendum* therefor; and justices of the peace shall also have jurisdiction of all actions arising under the fourth and fifth sections of this act, when the amount in controversy does not exceed two hundred dollars, such actions to be prosecuted in the name of the party injured or entitled to the debt or damages provided for in said fourth and fifth sections.

Prosecution
under this act.

§ 10. In all prosecutions under this act, by indictment or otherwise, it shall not be necessary to state the kind of liquor sold, or to describe the place where sold; and for any violation of the third section of this act it shall not be necessary to state the name of the person to whom sold; and in all cases the person or persons to whom intoxicating liquors shall be sold in violation of this act, shall be competent witnesses to prove such fact, or any other tending thereto.

APPROVED January 13, 1872.

LIMITATIONS.

In force July 1,
1872.

AN ACT in regard to limitations.

Action for re-
covery of lands.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no person shall commence an action for the recovery of lands, nor make an entry thereon, unless within twenty years after the right to bring such action or make such entry first accrued, or within twenty years after he or those from, by, or under whom he claims, have been seized or possessed of the premises, except as hereinafter provided.

Time—how
computed.

§ 2. If such right or title first accrued to an ancestor or predecessor of the person who brings the action or makes the entry, or to any person from, by, or under whom he claims, the twenty years shall be computed from the time when the right or title so first accrued.

Time when ac-
tion accrued.

§ 3. The right to make an entry or bring an action to recover land shall be deemed to have first accrued at the times respectively hereinafter mentioned, that is to say:

First—When any person is disseized, his right of entry or of action shall be deemed to have accrued at the time of such disseizin.

Second—When he claims as heir or devisee of one who died seized, his right shall be deemed to have accrued at the time of such death, unless there is a tenancy by the curtesy or other estate intervening after the death of such ancestor or devisor; in which case his right shall be deemed to accrue when such intermediate estate expires, or when it would have expired by its own limitations.

Third—When there is such an intermediate estate, and in all other cases when the party claims by force of any remainder or reversion, his right, so far as it is affected by the limitation herein prescribed, shall be deemed to accrue when

the intermediate or precedent estate would have expired by its own limitation, notwithstanding any forfeiture thereof for which he might have entered at an earlier time.

Fourth—The preceding clause shall not prevent a person from entering when entitled to do so by reason of any forfeiture or breach of condition ; but if he claims under such a title, his right shall be deemed to have accrued when the forfeiture was incurred or the condition was broken.

Fifth—In all cases not otherwise specially provided for the right shall be deemed to have accrued when the claimant, or the person under whom he claims, first became entitled to the possession of the premises under the title upon which the entry or the action is founded.

§ 4. Actions brought for the recovery of any lands, tenements, or hereditaments of which any person may be possessed by actual residence thereon for seven successive years, having a connected title in law or equity, deducible of record, from this state or the United States, or from any public officer or other person authorized by the laws of this state to sell such land for the non-payment of taxes, or from any sheriff, marshal or other person authorized to sell such land on execution, or under any order, judgment or decree of any court of record, shall be brought within seven years next after possession being taken, as aforesaid ; but when the possessor shall acquire such title after taking such possession, the limitation shall begin to run from the time of acquiring title.

Action for recovery of lands in possession.

§ 5. The heirs, devisees and assigns of the person having such title and possession, shall have the same benefit of the preceding section, as the person from whom the possession is derived.

Heirs, devisees and assigns.

§ 6. Every person in the actual possession of lands or tenements, under claim and color of title, made in good faith, and who shall, for seven successive years, continue in such possession, and shall also, during said time, pay all taxes legally assessed on such lands or tenements, shall be held and adjudged to be the legal owner of said lands or tenements, to the extent and according to the purport of his or her paper title. All persons holding under such possession, by purchase, devise or descent, before said seven years shall have expired, and who shall continue such possession, and continue to pay the taxes as aforesaid, so as to complete the possession and payment of taxes for the term aforesaid, shall be entitled to the benefit of this section.

Possession for seven years.

§ 7. Whenever a person having color of title, made in good faith, to vacant and unoccupied land, shall pay all taxes legally assessed thereon for seven successive years, he or she shall be deemed and adjudged to be the legal owner of said vacant and unoccupied land, to the extent and according to the purport of his or her paper title. All persons holding under such tax-payer, by purchase, devise or

Payment of taxes.

descent, before said seven years shall have expired, and who shall continue to pay the taxes, as aforesaid, so as to complete the payment of taxes for the term aforesaid, shall be entitled to the benefit of this section: *Provided, however,* if any person, having a better paper title to said vacant and unoccupied land, shall, during the said term of seven years, pay the taxes assessed on said land for any one or more years of the said term of seven years, then and in that case such tax-payer, his heirs and assigns, shall not be entitled to the benefit of this section.

Lands not included.

§ 8. The two preceding sections shall not extend to lands or tenements owned by the United States or of this state, nor to school and seminary lands, nor to lands held for the use of religious societies, nor to lands held for any public purpose. Nor shall they extend to lands or tenements when there shall be an adverse title to such lands or tenements, and the holder of such adverse title is under the age of twenty-one years, insane, imprisoned, *feme covert*, out of the limits of the United States, and in the employment of the United States or of this state: *Provided,* such person shall commence an action to recover such lands or tenements so possessed, as aforesaid, within three years after the several disabilities herein enumerated shall cease to exist, and shall prosecute such action to judgment, or in case of vacant and unoccupied land, shall, within the time last aforesaid, pay to the person or persons who have paid the same, all the taxes, with interest thereon, at the rate of twelve per cent. per annum, that have been paid on said vacant and unimproved land.

Disabilities.

§ 9. If at the time when such right of entry or of action upon or for lands first accrues, the person entitled to such entry or action is within the age of twenty-one years, or if a female, of the age of eighteen years, or insane, imprisoned or absent from the United States in the service of the United States or of this state, such person or any one claiming from, by or under him, or he may make the entry or bring the action at any time within two years after such disability is removed, notwithstanding the time before limited in that behalf has expired.

In case of death during disability.

§ 10. If the person first entitled to make entry or bring such action, dies during the continuance of any of the disabilities mentioned in the preceding section, and no determination or judgment has been had of or upon the title, right or action which accrued to him, the entry may be made or the action brought by his heirs or any person claiming from, by or under him at any time within two years after his death, notwithstanding the time before limited in that behalf has expired.

Foreclosure of mortgage.

§ 11. No person shall commence an action or make a sale to foreclose any mortgage or deed of trust in the nature

of a mortgage unless within ten years after the right of action or right to make such sale accrues.

§ 12. The following actions can only be commenced within the periods hereinafter prescribed, except when a different limitation is prescribed by statute.

Actions for slander or libel.

§ 13. Actions for slander or libel shall be commenced within one year next after the cause of action accrued.

§ 14. Actions for damages for an injury to the person, or for false imprisonment, or malicious prosecution, or for a statutory penalty, or for abduction, or for seduction, or for criminal conversation, shall be commenced within two years next after the cause of action accrued.

For damages.

§ 15. Actions on unwritten contracts, expressed or implied, or on awards of arbitration, or to recover damages for an injury done to property, real or personal, or to recover the possession of personal property or damages for the detention or conversion thereof, and all civil actions not otherwise provided for, shall be commenced within five years next after the cause of action accrued.

On unwritten contracts.

§ 16. Actions on bonds, promissory notes, bills of exchange, written leases, written contracts, or other evidences of indebtedness in writing, shall be commenced within ten years next after the cause of action accrued; but if any payment or new promise to pay shall have been made, in writing, on any bond, note, bill, lease, contract, or other written evidence of indebtedness, within or after the said period of ten years, then an action may be commenced thereon at any time within ten years after the time of such payment or promise to pay.

On bonds, notes, leases, etc.

§ 17. A defendant may plead a set-off or counter claim barred by the statute of limitation, while held and owned by him, to any action, the cause of which was owned by the plaintiff or person under whom he claims, before such set-off or counter claim was so barred, and not otherwise: *Provided*, this section shall not affect the right of a *bona fide* assignee of a negotiable instrument assigned before due.

Counter claims.

§ 18. If, when the cause of action accrues against a person, he is out of the state, the action may be commenced within the times herein limited after his return to the state; and if, after the cause of action accrues, he departs from and resides out of the state, the time of his absence is not part of the time limited for the commencement of the action.

Action against persons out of the state.

§ 19. If a person entitled to bring an action die before the expiration of the time limited for the commencement thereof, and the cause of action survives, an action may be commenced by his representatives after the expiration of that time, and within one year from his death. If a person against whom an action may be brought die, before the expiration of the time limited for the commencement thereof, and the cause of action survives, an action may be commenced against his executors or administrator after the ex-

When cause of action survives.

piration of that time, and within one year after the issuing of letters testamentary or of administration.

Foreign states. § 20. When a cause of action has arisen in a state or territory out of this state, or in a foreign country, and, by the laws thereof, an action thereon cannot be maintained by reason of the lapse of time, an action thereon shall not be maintained in this state.

Disabilities. § 21. If the person entitled to bring an action, mentioned in the nine preceding sections, is, at the time the cause of action accrued, within the age of twenty-one years, or if a female within the age of eighteen years, or insane, or imprisoned on a criminal charge, he or she may bring the action within two years after the disability is removed.

Fraudulent concealment. § 22. If a person liable to an action fraudulently conceals the cause of such action from the knowledge of the person entitled thereto, the action may be commenced at any time within five years after the person entitled to bring the same discovers that he has such cause of action, and not afterwards.

Injunction. § 23. When the commencement of an action is stayed by injunction, order of a judge or court, or statutory prohibition, the time of the continuance of the injunction or prohibition is not part of the time limited for the commencement of the actions.

Acts repealed. § 24. The following acts and parts of acts are hereby repealed, to-wit: Chapter sixty-six of the Revised Statutes of 1845, entitled "Limitations;" an act entitled "An act to amend the sixty-sixth chapter of the Revised Statutes, entitled 'Limitations,'" approved February 10, 1849; an act entitled "An act to amend the several laws concerning limitation of actions," approved November 5, 1849; an act entitled "An act to amend the several laws in relation to limitations," approved February 17, 1851; an act entitled "An act relating to the law of limitations," approved February 19, 1859; an act entitled "An act relating to the law of limitations," approved February 21, 1861; also sections eight, nine and ten, of chapter twenty-four, of the Revised Statutes of 1845, entitled "Conveyances." But this section shall not be construed so as to affect any rights or liabilities, or any causes of action, that may have accrued before this act shall take effect.

APPROVED April 4, 1872.

MARKS AND BRANDS.

AN ACT in regard to marks and brands.

In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every person in this state, who hath cattle, horses, hogs, sheep or goats, may have an ear mark and brand, and but one of each, which shall be different from the ear mark and brand of his neighbors; which ear mark and brand may be recorded by the county clerk of the county where such cattle, horses, hogs, sheep or goats shall be. Ear mark and brand.

§ 2. It shall be the duty of the county clerks, in the respective counties of this state, to keep a well bound book, in which they shall record the marks and brands of each individual who may apply to them for that purpose; for which they shall be entitled to demand and receive the sum of fifteen cents; and the book in which the same are recorded shall be open to the examination of every citizen of the county, at all reasonable office hours, free of charge. County clerks to keep record.

§ 3. If any dispute shall arise about any ear mark or brand, it shall be decided by reference to the book of marks and brands kept by the county clerk, but such book shall be *prima facie* evidence only. Disputes decided.

§ 4. Any person purchasing or acquiring horses, cattle, hogs, sheep or goats, when he brands or marks the same in his brand or mark, after the acquisition of the same, may do it in the presence of one or more of his neighbors, who are authorized to certify to the fact of the marking or branding being done, when done, and in what brand or mark the same were, previously, and in what brand or mark they were re-branded or re-marked. Such certificate shall not be deemed evidence of property in the animal branded, but only *prima facie* evidence of the facts therein certified to. Marks and brands in presence of witnesses.

§ 5. That chapter sixty-eight (68) of the Revised Statutes of 1845, entitled "Marks and Brands," and all other acts in conflict with this act, are hereby repealed. Repealed.

APPROVED March 29, 1872.

MASTERS IN CHANCERY.

In force July 1,
1872.

AN ACT concerning masters in chancery.

- SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the several circuit courts may appoint in the respective counties in their circuits a master in chancery; the circuit court of Cook county, and the superior court of Cook county may appoint for their respective courts as many masters in chancery as there are judges thereof. Masters in chancery shall be resident of the county for which they are appointed.
- How appointed.**
- Tenure of office.** § 2. The tenure of office of masters in chancery shall be two years, but they may be removed from office by the court for which they are appointed, for good cause shown.
- Vacancies.** § 3. When a vacancy occurs in the office of master in chancery, the court shall fill the vacancy by appointment as soon thereafter as conveniently may be.
- Official bond.** § 4. Every master in chancery, before entering on the duties of his appointment, shall give bond, with security to be approved by the court, and take and subscribe an oath of office: which bond and oath shall be filed with the clerk of the court making the appointment, and spread upon the records thereof.
- Special masters in chancery.** § 5. Whenever it shall happen that there is no master in chancery in any county, or when such master shall be of counsel or of kin to either party interested, or otherwise disqualified or unable to act in any suit or matter, the court may appoint a special master to perform the duties of the office in all things concerning such suit or matter.
- Duties and authority.** § 6. Masters in chancery, in their respective counties, shall have authority to take depositions, both in law and equity, to administer oaths, to compel the attendance of witnesses, take acknowledgments of deeds and other instruments in writing; and in the absence from the county of the judge, to order the issuing of writs of *habeas corpus*, *ne exeat* and injunction, and perform all other duties which, according to the laws of this state and the practice of courts of chancery, appertain to the office.
- Writs of certiorari.** § 7. Hereafter masters in chancery in their respective counties, upon application in manner as now is provided by law, to be made to the proper judge, shall have power to grant and order the issuing of writs of *certiorari*, to remove causes from before justices of the peace into the proper court.
- Succession in office.** § 8. When any master in chancery shall die, resign his office, or be removed therefrom, or remove from the county, and shall leave any business pertaining to his office unfinished, it shall be lawful for his successor in office to do any

act or acts coming within the duties of the master, which may be necessary to the final completion of such unfinished business.

§ 9. Masters in chancery shall receive for their services such compensation as shall be allowed by law, to be taxed as other costs. Compensation.

APPROVED April 4, 1872.

MILLS AND MILLERS.

AN ACT in regard to mills and millers, and dams for mills and other machinery, and navigation. In force July 1. 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when any person or persons owning land on one or both sides of any stream or water course, any part of the bed of which belongs to such person or persons, shall desire to build or repair any public grist-mill, saw-mill, or other public mill or machinery, or to erect, repair or increase in height any dam across such stream or water-course, to supply water for any such mill or machinery, or to improve the navigation of any such stream or water course for the use of such mill or machinery, and it shall be necessary to take or injure private property without the owner's consent, and the compensation therefor cannot be agreed upon by the parties interested, it shall be lawful for the person or persons desiring to build or repair such mill or machinery, or to erect, repair or increase the height of any such dam, to cause the damage or compensation to be paid to the owner or other person interested in the property to be taken or injured, to be ascertained in the manner provided by law for the taking or damaging of private property for public use: *Provided*, that no such dam shall be erected or increased in height, or maintained when the health of the neighborhood will be injuriously affected thereby. *Provided*, that no dam shall be erected or increased in height until at least sixty days notice of the intention of the parties (so desiring to erect or increase in height any such dam) to apply for a jury to assess damages, shall have been given in at least one newspaper published nearest the proposed dam, and personal notice to all persons interested, if their place of residence is known. Compensation for private property taken or damaged.

§ 2. No such dam shall be erected, repaired or raised in height, to the injury of any mill lawfully existing either above or below it on the same stream, nor to the injury of Injury of mills already existing

any mill-site on the same stream on which a mill or mill dam has been lawfully erected and used, unless the right to maintain a mill or dam on such site has been lost or abandoned.

Jury to ascertain damages.

§ 3. The jury which shall be impaneled to ascertain the damages, shall also inquire whether the health of the neighborhood will be injuriously affected by the overflow of any land, and if they shall find that it will be so affected, the petition shall be dismissed.

Acceptance of judgment.

§ 4. The person applying for the condemnation of property for any of the uses herein authorized, may elect, within three months after final judgment, whether he will pay the judgment for damages in favor of the owners or persons interested. If he shall not file his acceptance of such judgment in the court where the proceedings were had, or pay the judgment within that time, he shall be considered as having abandoned all right under such judgment, and shall be liable for all costs of such proceeding, including reasonable attorney fees, to be assessed by the court.

Right to revert to owners.

§ 5. If the petitioner shall not, within one year after obtaining the right to erect any such mill, or other machinery, or to erect, repair, or increase the height of any such dam, begin to build such mill, and finish the same within three years, or to repair or increase the height of a dam already built within one year; or in case the mill or other machinery or dam is destroyed, shall not rebuild the same within five years after its destruction, all right acquired by the proceedings authorized by this act shall revert to the owners, their heirs and assigns: *Provided*, if the owner of the mill or other machinery, at the time of such destruction, be an infant, or under disability, the same time shall be allowed after such disability is removed.

Grain to be ground in due turn tolls.

§ 6. The owner or occupier of every public grist mill within this state shall grind the grain brought to his mill, as well as the nature and condition of his mill will permit, and in due turn as the same shall be brought, and may take for the toll, if a water mill or steam mill, for grinding and bolting wheat, rye, or other grain, one-eighth part; for grinding Indian corn, oats, barley and buckwheat, or other grain not required to be bolted, one-seventh part; for grinding malt, and chopping all kinds of grain, one-eighth part.

Punctual attendance.

§ 7. It shall be the duty of each and every owner and occupier of every public mill, to give due and punctual attendance, when his mill shall not be out of repair, and to aid and assist in loading and unloading all grain which shall be brought to him to be ground. And he shall keep in his mill an accurate half-bushel measure, and an accurate set of toll dishes, or scales for weighing the grain. And for a failure to perform any of the duties required by this act, every occupier of a public mill shall forfeit and pay the

sum of five dollars, to the use of any person who shall sue for the same.

§ 8. Every owner or occupier of a public mill, as aforesaid, shall be accountable for the safe keeping of all grain received in his mill for the purpose of being ground, with the bags or casks containing the same; and shall, when required, deliver the same, or the flour or meal thereof, to the owner, or his agent or servant, with the bags or casks in which the same was received: *Provided*, that such miller shall not be accountable for any bags or casks, unless the same be distinctly marked with the initial letters of the owner's name; nor for the loss of grain, bags or casks, which happen by unavoidable accident.

Safe keeping
of grain.

§ 9. If any miller or occupier of any mill shall take a greater proportionate quantity of toll than is allowed by this act, or shall not sufficiently grind or grind and bolt (as the case may be), agreeably to the capacity of his mill, and in due time, as the same may have been brought, all grain received into such mill for the purpose of being ground, or ground and bolted, as directed by the owner, every miller or occupier of a public mill so offending, shall forfeit and pay the sum of five dollars to the party injured.

Penalty for
neglect.

§ 10. All penalties under the provisions of this act may be sued for and recovered before any justice of the peace of the county where such penalties are incurred.

Penalties re-
covered.

§ 11. Whenever any person or persons, firm or corporation, owning any dam which has been, or which may hereafter be, erected across any river or water course in this state, under the authority of any law of this state, shall desire to increase the height of such dam, for public and private use, either for the improvement of navigation, or for the production of increased water power, and for the purpose of obtaining such increased height of dam, it shall be necessary to take or injure private property without the owner's consent, and the compensation therefor cannot be agreed upon between the parties interested, it shall be the right of the owner or owners of such dam to cause the damage which will be thereby occasioned to be assessed in the manner and under the restriction provided in the first section of this act. And if it shall at any time appear that any such dam which has been or which may hereafter be so erected under the authority of any law of this state, or increased in height, occasions damage to the land of any owner or owners, and which has not been paid or settled for, and the amount of such damage cannot be agreed upon between the parties interested, it shall be the right of the owner or owners of such dam to have such damage assessed in the manner provided in the first section of this act: *Provided*, that no damage shall be allowed to any person or persons when such dam shall have been erected or increased in height prior to the passage of this act, and for which no

Increase of
height of dams.

claim shall have been made prior to such passage. And when damages are once assessed under the provisions of this act, no further damages or compensation shall be allowed.

APPROVED March 22, 1872.

MINERAL OILS.

In force July 1, 1872. AN ACT to provide for the inspection and sale of mineral oils and fluids the product of petroleum used for illuminating purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Mayor and aldermen of any city, or the board of trustees of any [town] wherein any coal, naphtha, gassoline, benzine or other mineral oils or fluids, the product of petroleum, are made, refined, produced or sold for illuminating purposes, and where five or more inhabitants petition for the same, shall appoint annually one or more suitable persons, not interested in the manufacture or sale of said oils or fluids, as inspectors thereof, and shall fix their compensation, to be paid by the parties requiring the services of said inspectors.

§ 2. Every inspector, before entering upon the duties of his office, shall be duly sworn. He shall also execute a bond to the state of Illinois, in such sum and with such security as shall be approved by the probate court of the county where appointed, conditioned for the faithful performance of the duties imposed on him by this act, which bond shall be for the use of all parties or persons aggrieved by the acts or neglect of such inspector; and when called upon by any manufacturer, refiner, producer, dealer or purchaser of such oils or fluids, or by any officer mentioned in section five of this act, to test such oils or fluids, the said inspector shall do so with all reasonable dispatch, by applying the fire test as indicated and determined by J. Tagliabue's pyrometer, or some other instrument equally as accurate, with which he shall have provided himself at his own expense; and if the oils or fluids so tested will not ignite or explode at a temperature less than one hundred and ten degrees Fahrenheit, the inspector shall mark, plainly and indelibly, on each cask, barrel or package "Approved, fire-test being" but if said oils or fluids will ignite at a temperature less than one hundred and ten degrees Fahrenheit, as aforesaid, then the inspector shall mark on each cask,

Mayor and aldermen, in cities, to appoint.

Oath and bond of inspectors.

Inspection of oils.

barrel or package "Condemned for illuminating purposes; fire-test being" Said inspector, while in office, shall not buy, sell, bargain or trade, directly or indirectly, in any of the said oils or fluids. He may appoint deputies, for whom he shall be responsible and who shall perform the duties of inspector. He shall keep an intelligible record of each inspection made, within twenty-four hours thereafter, in a book prepared for the purpose, which shall be opened to all parties interested. Any inspector found guilty of fraud, deceit or culpable negligence in the performance of any of his duties as prescribed in this section of this act, shall be punished by fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding one month, or both, in the discretion of the court.

§ 3. Any manufacturer, refiner, producer, or dealer, who shall neglect to give notice to said inspector of any such oil or fluid in his or her possession, not already inspected by any duly authorized inspector of the state of Illinois, within two days after the same shall have been made, refined, purchased or produced, shall be liable to the same penalties provided in the second section of this act against inspectors. Notice to inspector.

§ 4. Any person, whether manufacturer, refiner, producer or dealer, who shall sell or attempt to sell to any person in this state any of said oils or fluids for illuminating purposes, whether manufactured, refined or produced in this state or not, which shall be below the "approved" standard—that is having igniting point less than one hundred and ten degrees, Fahrenheit—as indicated and determined in the manner described in the second section of this act, or before having the same inspected as herein provided, or if any manufacturer, refiner, producer, dealer or inspector of said oils or fluids shall falsely brand the package, cask or barrel containing the same, as provided in the second section of this act, or shall use barrels, packages or casks having the inspector's brand thereon, and the oil or fluid therein not having been inspected, he or they so offending, upon conviction thereof, shall be liable to the same penalties provided in the second section of this act against inspectors. The casks, barrels or packages containing the same shall be forfeited and sold, one-half of the proceeds of such sale to go to the school fund of the county, and the other half to the informer; and further, shall be liable to any person or persons for all damages sustained by him or them by the explosion or ignition of such oil or fluid thus unlawfully kept and sold. Penalties for sale without inspection.

§ 5. The mayor, aldermen and police of any city, and the board of trustees of any town in which an inspector is appointed in conformity with the first section of this act, or any one of said officers within his respective city or town, Mayor and aldermen of cities to prosecute.

shall cause all persons violating any of the provisions of this act to be prosecuted therefor.

Prosecutions—
fines.

§ 6. All prosecutions for fines and penalties, under the provisions of this act, shall be by action of debt or indictment in any court of competent jurisdiction, and the fines so collected shall be paid one-half into the school fund of the county wherein the same shall be collected.

Act repealed.

§ 7. That "An act to provide for the inspection and sale of mineral oils used for illuminating purposes," approved April 19, 1869, be and the same is hereby repealed.

Emergency.

§ 8. Whereas an emergency exists, by reason of there being no sufficient law on this subject, requiring this law to take effect before July first, eighteen hundred and seventy-two, therefore this act shall take effect from and after its passage.

APPROVED April 9, 1872.

MINERS.

In force July 1, 1872. AN ACT providing for the health and safety of persons employed in coal mines.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the* owner or agent of each and every coal mine or colliery in this state, employing ten men or more, shall make or cause to be made, at the discretion of the inspector, or person acting in that capacity, an accurate map or plan of the workings of such coal mine or colliery, and of each and every vein thereof, showing the general inclination of the strata, together with any material deflections in the said workings, and the boundary lines of said coal mine or colliery, and deposit a true copy of said map or plan with the inspector of coal mines, to be filed in his office, and another true copy of said map or plan with the recorder of the county in which said coal mine or colliery is situated, to be filed in his office, both of which said copies shall be deposited as aforesaid, within three months from the day when this act shall go into effect; and the original, or a copy of such map or plan, shall also be kept for inspection at the office of such coal mine or colliery; and during the month of January of each and every year, after this act shall go into effect, the said owner or agent shall furnish the inspector and recorder, as aforesaid, with a statement and a further map or plan of the progress of the workings of such

Map or plan of
mine to be
made and filed.

coal mine or colliery continued from the last report to the end of the December month just preceding; and the inspector shall correct his map or plan of said workings in accordance with the statement and map or plan thus furnished; and when any coal mine or colliery is worked out or abandoned, that fact shall be reported to the inspector, and the map or plan of such coal mine or colliery in the office of said inspector shall be carefully corrected and verified.

§ 2. Whenever the owner or agent of any coal mine or colliery shall neglect or refuse to furnish the said inspector and recorder, as aforesaid, with the statement, the map or plan, or addition thereto, as provided in the first section of this act, at the times and in the manner therein provided, the said inspector is hereby authorized to cause an accurate map or plan of the workings of such coal mine or colliery to be made at the expense of the said owner or agent, and the cost thereof may be recovered by law from said owner or agent, in the same manner as other debts, by suit in the name of the inspector and for his use.

Neglect or refusal to furnish map.

§ 3. In all coal mines or collieries that are, or have been, in operation prior to the first day of July, in the year of our Lord one thousand eight hundred and seventy-two, and which are worked by or through a shaft, slope or drift, and in which more than fifteen miners are employed, if there is not already an escapement shaft to each and every said coal mine or colliery, or a communication between each and every said coal mine or colliery, and some other contiguous mine, there shall be an escapement shaft, making at least two distinct means of ingress and egress for all persons employed or permitted to work in such coal mine or colliery. Such escapement shaft, or other communication with a contiguous mine, as aforesaid, shall be constructed in connection with every vein or stratum of coal worked in such coal mines or collieries; and the time to be allowed for such construction shall be one year for each one hundred feet in depth of such escapement shaft so to be constructed, or fractional part thereof. And each and every such escapement shaft shall be separated from the main shaft by such extent of natural strata as shall secure safety to the miners, such distance to be left to the discretion of the inspector or person acting in that capacity. And in all coal mines or collieries that shall go into operation for the first time after the first day of July, in the year of our Lord one thousand eight hundred and seventy-two, such escapement shaft or other communication with a contiguous mine, as aforesaid, to be made for the purpose aforesaid, shall be constructed within one year after such mine shall have been put into operation, where the depth of such coal mine or colliery does not exceed one hundred feet. And in all coal mines that are of a greater depth

Escapement shafts.

than one hundred feet, there shall be allowed one year within which to construct each hundred feet or fractional part thereof of such escapement shaft. And it shall not be lawful for the owner or agent of any such coal mine or colliery, as aforesaid, to employ any person to work therein, or to permit any person to go therein for the purpose of working, unless said owner or agent shall have first complied with the requirements of this section. And the term "owner" used in this act shall mean the immediate proprietor, lessee or occupier of any coal mine or colliery, or any part thereof; and the term "agent" shall mean any person having, on behalf of the owner, as aforesaid, the care and management of any coal mine or colliery, or any part thereof.

Ventilation.

§ 4. The owner or agent of each and every coal mine or colliery shall provide therefor an adequate amount of ventilation, by forcing, when practicable, the circulation of pure air through to the face of each and every working place in every such coal mine or colliery, so that every such coal mine or colliery shall be fit for men to work therein, and free from standing gas and from danger to health and life by reason of any noxious gas. The ventilation required by this section may be produced by any suitable appliances, but in case a furnace shall be used for ventilating purposes, it shall be built in such a manner as to prevent the communication of fire to any part of the works, by lining the up-cast with incombustible material for a sufficient distance up from the said furnace.

Bore holes.

§ 5. The owner, agent or mining boss shall provide that bore holes shall be kept twenty feet in advance of the face of each and every working place—and, if necessary, on both sides—when driving towards an abandoned mine, or part of a mine, suspected to contain inflammable gases, or to be inundated with water.

Means of signalling, hoisting, etc.

§ 6. The owner or agent of every coal mine or colliery, opened or operated by shaft or slope, shall provide a suitable means of signalling between the bottom and the top thereof, and shall also provide a safe means of hoisting or lowering persons at the mines, with a sufficient cover over head on every box or carriage used for hoisting purposes, for the protection of persons so hoisted or lowered at the mines. And no young person under fourteen years of age or female of any age shall be permitted to enter any mine to work therein; proof of age to be made by sworn certificate or otherwise, before such young person shall be employed to work in such mine. The neglect or refusal of any person or party to perform the duties provided for and required to be performed by sections four, five and six of this act, by the parties therein required to perform the same, shall be taken and deemed to be a misdemeanor committed by them or any or either of them, and upon con-

viction thereof they, or any or either of them, shall be punished by imprisonment or fine, at the discretion of the court trying the same.

§ 7. No person shall, knowingly, be employed as engineer, or to take charge of any machinery or appliance whereby men are lowered into or hoisted out of any mine, but an experienced, competent and sober person; and no person shall ride upon a loaded wagon or cage used for hoisting purposes in any shaft or slope; nor shall any coal be hoisted out of any coal mine or colliery while persons are ascending out of or descending into any such coal mine or colliery. Any person violating the provisions of this section shall be held and deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, at the discretion of the court trying the same.

§ 8. All boilers used in generating steam in and about coal mines and collieries shall be kept in good order, and the owner or agent, as aforesaid, shall have said boilers examined and inspected by a competent boiler maker, or other well qualified person, as often as once every six months, and oftener if needed, and the result of every such examination shall be certified in writing to the mining inspector; and the top of each shaft shall also be securely fenced by vertical or flat gates, properly covering and protecting the area of such shaft; and the entrance of every abandoned slope and air, or other shaft, shall be securely fenced off; and every steam boiler shall be provided with a proper steam gauge, water gauge and safety-valve; and all underground self acting or engine-planes or gangways, on which coal cars are drawn and persons travel, shall be provided with some proper means of signaling between the stopping places and the ends of said planes or gangways; and sufficient places of refuge at the sides of such planes or gangways shall be provided at intervals of not more than twenty feet apart.

§ 9. Whenever loss of life or serious personal injury shall occur, by reason of any explosion or of any accident whatsoever in or about any coal mine or colliery, it shall be the duty of the party having charge of such coal mine or colliery to give notice thereof to the mine inspector, and if any person is killed thereby, to the coroner of the county also; and said inspector shall immediately go to the scene of the said accident, and make such suggestions and render such assistance as he may deem necessary for the safety of the men. And the inspector shall investigate and ascertain the cause of such explosion or accident, and make a record thereof, which he shall preserve with the other records of his office. And to enable him to make such investigations, he shall have power to compel the attendance of witnesses and administer oaths or affirma-

tions to them; and the costs of such investigations shall be paid by the county in which such accident has occurred, in the same manner as costs of coroner's inquests are now paid. And the failure of the person in charge of the coal mine or colliery in which any such accident may have occurred, to give notice to the inspector or coroner, as provided for in this section, shall subject such person to a fine of not less than twenty-five dollars nor more than one hundred dollars, to be sued for in the name and for the use of the county in which any such accident may have occurred.

Fines and penalties.

§ 10. In all cases in which punishment is provided by fine or imprisonment under this act, for a breach of any of its provisions, the fine shall not be less than ten dollars nor more than one hundred dollars, or the imprisonment not less than ten days nor more than six months, or both, at the discretion of the court; except as specially provided in section nine of this act.

County surveyors to be inspectors.

§ 11. The county surveyors are hereby constituted *ex-officio* inspectors of mines within their respective counties, and it shall be their duty respectively to call to their aid some reputable practical miner. Said inspector, and any miner so called to their aid, before entering upon their duties, shall be sworn to faithfully discharge the duties imposed upon them by law. Said inspector and said miner shall receive such compensation for their time actually employed, to be verified by their respective affidavits, as shall be fixed by the county board, not exceeding five dollars per day each, to be paid out of the county treasury, for one inspection every year; but in all cases where, on inspection, the provisions of this act shall appear not to have been complied with in operating a mine, the owner or operator of such mine shall pay the expenses thereof, to be recovered, if necessary, as provided in section two (2) of this act.

Duties of inspector.

§ 12. The inspector provided for under this act shall see that every necessary precaution is taken to insure the health and safety of the workmen therein employed; that the provisions and requirements of this act be faithfully observed and obeyed, and the penalties of the law enforced against all who wilfully disobey its requirements. He shall also collect and tabulate the following facts, that is to say: The number of acres of workable coal lands in his county; the number and thickness of the coal beds, and their respective depths below the surface; how they are mined, whether by shaft, slope or drift; the number of mines in operation, the number of men employed therein, and the aggregate yearly production in tons; together with an estimate of the amount of capital employed in coal mining in his county, and any other information relative to coal mining that he may deem necessary; all of which facts, so tabulated, together with a statement of the condition of

the mines as to safety and ventilation, and the general result of his examination into the causes of all accidents in and about the coal mines and collieries of his county, he shall fully set forth in an annual report to the governor, with his recommendations as to such other legislation on this subject as may be proper. He shall also furnish such information as he may have obtained on this subject, when called for by the state geologist.

§ 13. It shall be lawful for the inspector provided for in this act to enter, examine and inspect any and all coal mines or collieries, and the works and machinery belonging thereto, at all reasonable times by day or night, but so as not to hinder or obstruct the necessary working of such coal mines or collieries; and the owner or agent of every such coal mine or colliery is hereby required to furnish all necessary facilities for such entry, examination and inspection; and if the said owner or agent, as aforesaid, shall refuse to permit such inspection, or to furnish the necessary facilities therefor, the inspector may file his affidavit, setting forth such refusal, with the judge of the circuit in which said mine may be situated, either in term time or in vacation, or in the absence of the judge, with the master in chancery for the county in which said mine may be situated and obtain an order on such owner or agent so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine or colliery, or be adjudged to stand in contempt of court, and punished accordingly; and if the said inspector shall, after an examination of any coal mine or colliery and the works and machinery pertaining thereto, find the same to be worked contrary to the provisions of this act, or unsafe for the workmen therein employed, said inspector may, through the state's attorney of his county, acting in the name and on behalf of the state, proceed against the owner or agent of any such coal mine or colliery by injunction, without bond, after giving at least two days' notice to such owner or agent, and the said owner or agent shall have the right to appear before the judge or master to whom the application is made, who shall hear the same, and affidavits in support thereof as well as affidavits in opposition; and if sufficient cause appear, the court or judge in vacation, by order, may prohibit the further working of any such coal mine or colliery in which persons may be unsafely employed, contrary to the provisions of this act, until the same shall have been made safe and the requirements of this act shall have been complied with; and the court shall award such costs in the matter of the said injunction as may be just; but any such proceedings, so commenced, shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this act.

To enter and inspect coal mines.

Right of action
for injury.

§ 14. For any injury to person or property occasioned by any willful violations of this act, or willful failure to comply with any of its provisions, a right of action shall accrue to the party injured for any direct damages sustained thereby; and in case of loss of life by reason of such willful violation or willful failure, as aforesaid, a right of action shall accrue to the widow of the person so killed, or his lineal heirs or adopted children, or to any other person or persons who were, before such loss of life, dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives.

Injury to the
works — penal-
ties.

§ 15. Any miner, workman or other person who shall knowingly injure any water-gauge, barometer, air-course or brattice, or shall obstruct or throw open any air-ways, or carry lighted lamps or matches into places that are worked by the light of safety-lamps, or shall handle or disturb any part of the machinery of the hoisting engine, or open a door in the mine and not have the same closed again, whereby danger is produced either to the mine or those at work therein; or who shall enter into any part of the mine against caution; or who shall disobey any order given in pursuance of this act; or who shall do any willful act whereby the lives and health of persons working in the mine, or the security of the mine or mines, or the machinery thereof, is endangered, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by fine or imprisonment, at the discretion of the court.

Approved March 27, 1872.

NOTARIES PUBLIC.

In force July 1, AN ACT to provide for the appointment, qualification and duties of notaries public, and certifying their official acts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the

Governor
appoint.

to governor may appoint, by and with the advice and consent of the senate, and commission as notaries public, as many persons having the qualifications of electors, and resident in the county in this state for which they are appointed, as he may deem necessary.

Petition.

§ 2. No person shall be appointed a notary public, except upon the petition of at least fifty legal voters of the city, town, village or precinct in which such person resides.

§ 3. Each notary public so appointed and commissioned shall hold his office for the term of four years, unless sooner removed by the governor. Term of office.

§ 4. Before entering upon the duties of his office he shall give a bond, payable to the "People of the State of Illinois," in the sum of one thousand dollars, with sureties, to be approved by the governor, conditioned for the faithful discharge of the duties of his office, and shall take and subscribe the oath of office prescribed by the constitution. The oath and bond shall be deposited in the office of the secretary of state. Bond and oath of office.

§ 5. He shall also, before entering upon the duties of his office, have a memorandum of his appointment, and the time when his office will expire, entered in the office of the county clerk of his county, in a book to be kept for that purpose by said clerk, for which entry he shall pay a fee of twenty-five cents. Memorandum of appointment.

§ 6. The county clerk of the county in which such memorandum is entered, or the secretary of state, may grant certificates of magistracy of notaries public. The certificate of a clerk shall be under his hand and official seal, and that of the secretary of state under the great seal of the state; the fee for such certificate shall be twenty-five cents. Certificates of magistracy.

§ 7. Each notary public hereafter appointed shall, upon entering upon the duties of his office, provide himself with a proper official seal, with which he shall authenticate his official acts, upon which [shall] be engraved the words "notarial seal," and the name of the county in which he resides. Official seal.

§ 8. On the expiration of the term of office of a notary public, he, or in case of his decease, his legal representatives, shall deposit the records of his office in the office of the county clerk of his county: *Provided*, that when he is continued in office by reappointment, he may retain such records so long as he shall remain in office. Expiration of official term.

§ 9. A notary public duly qualified, shall have authority, while he resides in the same county in which he was appointed, to execute the duties of his office throughout the state. May execute duties throughout the state.

§ 10. It shall be the duty of each and every notary public in this state, whenever any bill of exchange, promissory note or other written instrument, shall be by him protested for non-acceptance or non-payment, to give notice in writing thereof to the maker, and to each and every indorser of any bill of exchange, and to the maker or makers of, and each and every security or indorser of any promissory note or other written instrument, on the same day the said protest is made, or within forty-eight hours from the time of such protest. Duties relative to notes and other written instruments.

§ 11. It shall be the duty of each and every notary public personally to serve the notice upon the person or persons protested against, provided he or they reside in the To serve notice

town, precinct, city or village where such protest was made, or within one mile thereof; but if such person or persons reside more than one mile from such town, precinct, city or village, then the said notice may be forwarded by mail or other safe conveyance. If the city where the protest is made contains ten thousand or more inhabitants, the notice may be forwarded by mail.

Record of notices.

§ 12. Each notary public shall keep a correct record of all such notices, and of the time and manner in which the same are served, the names of all the parties to whom the same are directed, and the description and amount of the instrument protested.

Record to be evidence.

§ 13. Said record, or a copy thereof duly certified, under the hand and seal of the notary public or county clerk having the custody of the original record, shall be competent evidence to prove the facts therein stated, but the same may be contradicted by other competent evidence.

Certificate to show name of city, town, etc.

§ 14. It shall not be an objection to the validity of any act of a notary public, done before the taking effect of this act, that the certificate thereof does not show the name of the city, town or county for which the notary was commissioned, if it shall appear from the certificate that the act was done within this state.

Acts repealed.

§ 15. Chapter seventy-five of the Revised Statutes of 1845, entitled "Notaries Public;" and an act entitled "An act entitled an act to amend an act entitled 'notaries public,' approved March 3d, 1845," approved February 18th, 1857; and an act entitled "An act to increase the number of notaries public in this state," approved February 28th, 1867; and an act entitled "An act concerning notaries public," approved April 19th, 1869, are hereby repealed. This section shall not be construed to affect any appointment to the office of notary public made prior to the taking effect of this act, or the validity of any official act which may at that time have been done in pursuance of the acts hereby repealed.

APPROVED April 5, 1872.

NOTICE IN LEGAL PROCEEDINGS.

AN ACT to repeal an act entitled "An act to regulate the manner of giving notice in legal proceedings [(in Randolph county)," approved March 27, A. D. 1869. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to regulate the manner of giving notice in legal proceedings (relating to Randolph county)," approved March the twenty-seventh, in the year of our Lord eighteen hundred and sixty-nine, be and the same is hereby repealed.

APPROVED March 29, 1872.

OBSCENE BOOKS.

AN ACT to prevent the sale or bringing into this state of obscene books, pamphlets, prints or paintings, and to repeal section one hundred and twenty-eight (128), division eleven (11), of chapter thirty (30), of the Revised Statutes of 1845. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if any person shall hereafter bring or cause to be brought into this state, for sale or for exhibition, or shall sell or offer to sell or exhibit, any obscene book, pamphlet, print or painting, every such person shall, on conviction, be fined in a sum not less than twenty-five dollars nor more than five hundred dollars. Penalty.

§ 2. That section one hundred and twenty-eight (128), of division eleven (11), of chapter thirty (30), of the Revised Statutes of eighteen hundred and forty-five, be and the same is hereby repealed: *Provided, however,* that said section shall continue in force as to any violation against the same prior to the taking effect of this act. Repealed.

APPROVED March 7, 1872.

OCCUPATION.

In force July 1, 1872. AN ACT to secure to all persons freedom in the selection of an occupation, profession or employment.

Not debarred. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no person shall be precluded or debarred from any occupation, profession or employment (except military) on account of sex: *Provided*, that this act shall not be construed to affect the eligibility of any person to an elective office.

Acts repealed. § 2. Nothing in this act shall be construed as requiring any female to work on streets or roads, or serve on juries.

§ 3. All laws inconsistent with this act are hereby repealed.

APPROVED March 22, 1872.

OHIO RIVER.

In force July 1, 1872. AN ACT to define the jurisdiction of the cities and incorporated towns bordering on the Ohio river.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That each of the several cities and incorporated towns of this state, lying on the Ohio river, and bounded thereby, are hereby invested with jurisdiction over their river fronts, and shall have jurisdiction over the waters of said river, in all cases occurring on said river, and opposite to each of said cities or incorporated towns, co-extensive with the jurisdiction of the several counties in this state in which said cities or incorporated towns may lie: *Provided*, nothing herein contained shall be construed so as to extend the jurisdiction of said cities or incorporated towns over any islands in said river included within the corporate limits of any county in the state of Kentucky.

APPROVED March 26, 1872.

PARKS.

AN ACT to enable the corporate authorities of two or more towns, for park purposes, to issue bonds in renewal of bonds heretofore issued by them, and to provide for the payment of the same ; to make, revise and collect a special assessment on contiguous property, for benefits by reason of the location of parks and boulevards, and to make necessary changes in their location. In force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That persons who have been appointed or otherwise selected as commissioners or officers, under and in pursuance of any act or acts of the general assembly of this state, which has or have been submitted to the legal voters of one or more towns, and by them respectively adopted, for the purpose of locating, establishing, inclosing, improving or maintaining any public park, boulevard, drive-way, highway or other public work or improvement, are declared to be corporate authorities of such towns for the purposes named in such act or acts, whether such persons are authorized to discharge the duties imposed upon them as a corporation or otherwise. Commissioners and officers declared corporate authorities.

§ 2. Corporate authorities of towns who have been authorized by law to issue bonds for the purpose of establishing, inclosing, improving or maintaining any public park, boulevard, drive-way, highway or other public work or improvement in such towns, may issue new bonds, payable not more than twenty years from the date thereof, and the same exchange for bonds issued by such corporate authorities for the same purpose. The said corporate authorities may purchase any bonds issued by them, at any rate not exceeding the par value thereof, and issue in lieu of the same, bonds payable as aforesaid. Such new bonds shall be issued under the seal of said corporate authorities, if they have one, and shall be signed by them and countersigned by their secretary, if they have one, and bear interest not exceeding seven per cent. per annum, payable semi-annually, and the principal and interest may be made payable at any place or places within or without this state. The said bonds shall also contain a provision securing to said corporate authorities the right, if the said bonds or a sufficient number of them cannot be purchased at not exceeding one per cent. above the par value thereof, for the yearly sinking fund hereinafter provided, to pay and retire, at the end of each year after the date of said bonds, or so soon thereafter as due notice shall have been given, such number of the same as may be necessary for that purpose, to be selected by lot by said corporate authorities, in the manner hereinafter provided. It shall be the duty of said Corporate authorities may issue and purchase bonds.

Annual tax to
pay interest.

corporate authorities to keep an accurate register of all bonds issued by them, showing the number, date, and amount of each bond, and said register shall at all times be open to the inspection of the public. The public park, boulevard, drive-way, highway or other public work or improvement, on account of which said bonds may be issued, shall be irrevocably pledged for the payment of the principal and interest thereof, and the towns in which such public park, boulevard, drive-way, highway or other public work or improvement, are in whole or in part situated, shall also be irrevocably bound for the payment of the same. Bonds issued under this act may be exchanged as aforesaid or sold by said corporate authorities for such prices as they may deem expedient. But the proceeds of bonds sold shall only be used for the payment or purchase of outstanding bonds which cannot be exchanged. The bonds received in exchange or purchased as aforesaid shall be canceled, whereof an entry shall be made upon the bond register of said corporate authorities showing the date, number and amount of each bond canceled, and no bonds shall be issued under this act exceeding the amount already issued, nor contrary to the provisions of section twelve, article nine of the constitution of this state, nor until provision is made by law for the collection of a direct annual tax sufficient to pay the interest on such bonds as it falls due, and also to pay and discharge the principal thereof on or before the time when the same shall become due. And whenever any provision has been made by any act or acts of the general assembly of this state, for the assessment and collection of an annual tax, in order to pay the interest on bonds issued by said corporate authorities, the provisions of said act or acts are hereby continued and extended so as to require the assessment and collection of said annual tax, not only for the purposes of said act or acts named, but for the payment of the interest on any bonds which may be issued under this act, and to provide for the annual payment of a part of the principal thereof. Officers collecting said annual tax are required, at the end of each month, to pay to said corporate authorities so much of said tax as has been collected; and for collecting and paying over of said annual tax no compensation shall be allowed, except the salary allowed by law to the collector thereof. And if, for any cause, any portion of said annual tax required to be assessed and collected as aforesaid shall, for any one or more years, fail to be collected, the said corporate authorities are required to add such deficiency or deficiencies to the amount required to be assessed in the succeeding year or years; and the amount of such deficiency or deficiencies shall be by the proper officers assessed and collected, in the same manner as said annual tax, and as a part thereof. The said corporate authorities are required to cause said tax, and any deficiencies occurring as

aforesaid, to be assessed and collected as required by law, and to apply sufficient thereof, from time to time, to pay the interest upon said bonds issued, and which may be issued as the said interest shall fall due. And at the end of the year after the date of any bonds issued under this act, and of every year thereafter, the said corporate authorities shall, from the proceeds of said annual tax, set apart not less than three and one-fourth per cent. of the whole amount of bonds issued under this act, and a sum equal to the annual interest on said sum, at the rate of interest borne by said bonds, which sums shall be applied by said corporate authorities in the purchase of bonds issued by them, if the same can be obtained at not exceeding one per cent. above the par value thereof; and if the said corporate authorities cannot obtain said bonds, or sufficient of them, to absorb said fund at that price, then from the outstanding bonds issued under this act, and not theretofore selected, shall be selected by lot so many thereof as may be required to absorb the funds so set apart for a sinking fund. The said selection shall be made by said corporate authorities at the end of each successive year after the date of said bonds, or within one month thereafter, in the presence of one of the judges of the circuit court of said county, who, with said corporate authorities, shall make and sign duplicate certificates of the result thereof, one of which shall be filed in the office of said corporate authorities and the other in the office of the county clerk of said county. Notice of said selection; and of the numbers of the bonds so selected, shall be forthwith given by said corporate authorities in one or more newspapers published in said county and in the city of New York, and if the owners of said bonds shall be registered, notice to such owners shall also be given by letter mailed to the address of such owner at his place of residence, if known or shown upon said register. The interest on bonds selected by lot, as aforesaid, shall cease from and after the time when the semi-annual interest on the same shall fall due, next after the said selection is made; and from the sums so set apart for a sinking fund shall be paid the bonds so selected by lot, as aforesaid, with interest until payment or until the same shall cease as aforesaid. The funds so set apart for a sinking fund shall not be used for any purpose other than purchasing bonds to be canceled, and paying bonds selected as aforesaid for the same purpose. The bonds so selected, when paid, and the bonds purchased, shall be canceled, a certificate whereof, stating the numbers, date and amount of said canceled bonds, shall, from time to time, be made by said corporate authorities, and filed in the office of the county clerk of said county.

Selection of
bonds for can-
cellation.

§ 3. Corporate authorities of one or more towns, who have been authorized to make, establish or maintain any local improvement, in whole or in part, by special assess-

Corporate au-
thorities to esti-
mate cost of
lands.

Assessments
for benefits.

ment or special taxation of contiguous property, or otherwise, may estimate, as near as may be, the probable cost of the lands taken, or to be taken or purchased, for such improvement, or revise, enlarge and correct any estimate theretofore made and make a new one of the same, and of the expenses of obtaining said lands, together with the cost of making and collecting a special assessment to pay the cost of said lands and expenses, and shall apportion the estimated cost of said lands, expenses, and the cost of assessment as aforesaid, upon the lands situated in said towns, by said corporate authorities deemed benefited by reason of said local improvement, as near as may be, in proportion to the benefits resulting thereto. And if said corporate authorities shall not deem the lands in said towns benefited to the full extent of the estimated cost of the lands taken, or to be taken or purchased as aforesaid, and the costs and expenses aforesaid, then the said corporate authorities shall in like manner apportion so much thereof as they shall deem the lands in said towns benefited. The said corporate authorities shall give at least ten days' notice, in one or more newspapers published in the county in which such towns are situated, of the time and place of their meeting for the purpose of making said assessment, and may adjourn such meeting from time to time until the same shall be completed. In making the said assessment, the lots, blocks and parcels of land deemed benefited as aforesaid, shall be assessed according to the descriptions and divisions thereof appearing of record in said county, on the day of the said first meeting, for the purpose of making the said assessment, but no error in the description or division of any lot, block or parcel of land, in making said assessment, shall vitiate the same, provided the premises are described with substantial accuracy. The said corporate authorities shall estimate the value of the several lots, blocks or parcels of land deemed by them benefited as aforesaid, and shall include the same, together with the amount assessed for benefits, in an assessment book or roll. All parties interested may appear before said corporate authorities, and may be heard touching any matter connected with the assessment. When the same shall be completed, it shall be signed by the said corporate authorities, or by a majority thereof, and returned to the circuit court of the county in which such towns are situated, and filed with the clerk of said court; whereupon, the said corporate authorities shall give at least ten days' notice of the filing of said assessment roll, and that they will, on a day named, apply to the said circuit court for confirmation of the same. Said notice shall be signed by said corporate authorities, or by a majority of them, and shall state the general nature of the improvement for which said assessment was made, and the towns, township, range and section in which the same is

situated, without further description of its locality, and shall also state when the said assessment was filed in said court, and the day when the said corporate authorities will apply to said court for confirmation of the same; but said notice need not contain a description of the lots, blocks or parcels of land assessed, nor the amount assessed upon them, or any of them, nor mention any particular law or laws of this state under which said assessment was made; which said notice shall be published in one or more newspapers published in the county in which said towns are situated, at least ten days before the time therein named for such application. When it shall appear to said court that proper notice has been given, it shall have power to hear, adjudge and determine the matter of said application and all matters connected therewith. Any person interested in any lot, block or parcel of land assessed, may appear therein, in person or by attorney, and object to said assessment: *Provided*, all objections shall be in writing, and be filed in said court at least three days before the time fixed for said application, and shall specify the lots, blocks, or parcels of land wherein the said person objecting is interested, in respect whereof objections are made, and the grounds thereof. Said court shall have power to revise, correct, amend and confirm the said assessment in whole or in part, and may without further notice or order make a new assessment in whole or in part, and the same confirm, or may order a new assessment to be made in whole or in part, and the same may revise, correct, amend and confirm upon like notice as aforesaid, or upon such notice as it may prescribe; but no order to make a new assessment in part, shall hinder or delay the confirmation of the residue or the collection thereof. From and after the time the amount of any assessment shall be ascertained and confirmed by said court, as to any lot, block, or parcel of land so assessed, the amount thereof shall be a lien thereon, and may be paid at any time. The said court shall divide the amount of said assessment into installments, and fix the amount of the first installment, but the first installment shall not exceed twenty-five (25) per cent. of the said assessment. The portion of said assessment, after deducting therefrom said first installment, shall be divided by the court into seven equal installments, which said installments shall be payable annually thereafter, and the court shall fix the time on or before which each of said installments shall severally be paid. All installments shall bear interest at the rate of seven per cent. per annum, from the time on or before which the payment of the first one is to be made. The said corporate authorities or their officer, from time to time, duly authorized by them, and to be mentioned in some order or orders of said court, which it may from time to time make, shall have full power and authority to collect such assessments

from the owners of such lands, and to give all proper receipts and discharges therefor. The orders of said court shall be conclusive evidence of the regularity of all previous proceedings necessary to the validity thereof, and of all matters and things therein recited as having been heard and adjudged by said court. It shall be the duty of the clerk of said court to enter in said assessment book or books, or upon said assessment roll, all revisions, corrections and amendments of such assessment, and all new assessments made by the court, and all revisions, corrections and amendments of the same, and all orders for new assessments, and all new assessments made in pursuance of such order, and all revisions, corrections, and amendments of the same, together with all orders of the court in said proceedings. The said corporate authorities are required to furnish to the clerk of said court a duplicate copy of said assessment book and books or roll, wherein shall be entered from time to time, by said corporate authorities, the several matters and things entered in said original assessment book or books, or upon said original assessment roll, which duplicate and the entries thereon shall from time to time, as they are made, be certified by the clerk of said court under the seal thereof, as a true copy of the original; and such duplicate copy of the assessment book and books, or roll, certified as aforesaid, shall be sufficient authority to said corporate authorities, or to their officer designated therein, to collect any assessment therein confirmed as aforesaid, and to receipt for and discharge the same. It shall be the duty of the officer having the custody of said original assessment book or books, or roll, to enter thereon from such receipt or discharge the fact of such payment, which entry shall be evidence of the same. After the proceedings in the said circuit court shall be finally concluded and terminated, it shall be the duty of the clerk thereof to deposit said original assessment book and books or roll, and all proceedings relative to the same, duly entered as aforesaid and properly certified, with the county clerk of the county in which such towns are situated. In case said assessments or any part thereof, so confirmed as aforesaid, shall not be paid at the time or times fixed therefor by the orders of said circuit court, it shall be the duty of the corporate authorities to return to the county treasurer, or to some general officer of said county having authority to receive state and county taxes, a list of the lots, blocks and parcels of land so assessed upon which said assessment shall remain unpaid, and the amount unpaid upon each lot, block or parcel of land; and from and after the return of such delinquent list the said county treasurer, or other general officer of said county having authority to receive state and county taxes, as well as said corporate authorities, or their officer, shall have authority to receive any of said unpaid assessments, and to give all proper receipts and discharges

therefor. It shall also be the duty of said corporate authorities to make and certify to the county court in which such towns are situated, a return, therein designating the said delinquent lands and the due and unpaid assessments against the same, and thereupon the said corporate authorities shall give notice, by publication in one or more of said newspapers, that they will, on a day in said notice named, apply to said county court for judgment against all delinquent lots, blocks, or parcels of land upon which said assessment, or any part thereof, shall be unpaid. Such notice may be general, but must contain a description of the lots, blocks, or parcels of land, and the names of parties interested, if known, and the amount due and unpaid; which notice shall be published in one or more of said newspapers at least ten days before the time fixed for making said application, and the said application may be made on the day named, or any day of the same term, by the permission of said court. The said corporate authorities and the said county treasurer, or other general officer of said county to whom said delinquent list shall have been returned, shall respectively report to said court the respective lots, blocks and parcels of land upon which said assessment has been paid to them respectively after the return of said delinquent lists as aforesaid. And thereupon such proceedings, orders and judgments shall be had, as nearly as may be, as in cases of delinquent lands whereof judgment is prayed for the non-payment of state and county taxes, and the said judgments shall be conclusive of the regularity of all matters necessary to the validity thereof, excepting the giving of said notice of the application for judgment. After said notice for application for judgment shall have been published, the cost of publication shall be added to the assessment, as in the case of state and county taxes. After judgment shall have been rendered, the same shall be executed in the same manner, as nearly as may be, as is or may be provided by law for executing judgments for state and county taxes, but no judgment or sale of any lot, block or parcel of land so assessed, for any one installment of said assessment, shall discharge the premises from any subsequent installment of the assessment; and proceedings for the non-payment of subsequent installments may be had in the same manner as if no default had been made in previous ones. All moneys collected by said treasurer or other general officer of said county, and all moneys realized from the sales of said lands upon judgments as aforesaid, shall at once be paid over to said corporate authorities, who shall execute a proper receipt therefor. The said county treasurer, or other general officer, shall not be entitled to any compensation for receiving and disbursing of moneys by him under this act, or for services rendered by him as herein required, except the salary allowed him by law. Any and all moneys collected

or obtained upon or out of said assessments may be applied by the said corporate authorities to and for any of the uses and purposes named or intended by the act or acts under which they are organized. And if the proceeds of said assessments shall amount to a greater sum than the cost of the lands, expenses and cost of assessment and collection as aforesaid, the overplus shall be applied by said corporate authorities towards making the improvement which they are authorized to make: *Provided*, that such excess shall not exceed the sum of twenty-five thousand dollars. If it exceeds that sum, then and in that case it shall be refunded *pro rata* to the parties paying such assessment. Any and all such corporate authorities as aforesaid may avail themselves of the provisions and privileges of this act, notwithstanding any provisions in the several acts creating them.

Change of location or boundaries.

§ 4. Corporate authorities of towns having the control or supervision of any public park, boulevard, driveway or highway which has been located in pursuance of a vote of the people of such towns, desiring to alter or change the location of the same or of any part thereof, or of any of the boundary lines of the same, may, by petition in writing, apply to the circuit court of the county in which such towns are situated, for leave to make such alteration or change. Notice of such application shall be given by said corporate authorities in some newspaper published in said county, at least ten days before the day named therein when said application will be made. All persons interested may appear before said circuit court, either in person or by attorney, when said application shall be made, and object to the granting thereof. After hearing all persons interested, if said court shall deem the granting of said application to be for the public interest, it shall make an order granting to such corporate authorities leave to make such alteration or change, or such part thereof, as it may deem for the public good, and granting power to acquire lands for public use, such additional lands as such change or alteration may, in the judgment of said court, render necessary, and if by reason of any such change or alteration any parcel of land shall no longer be deemed necessary or useful for the purposes of said park, boulevard, driveway, or highway, the said court may direct the same to be sold and conveyed for the use of said park, upon such terms and conditions as it may think proper. Damages sustained by any person injuriously affected by reason of any such charge or alteration, shall be ascertained and paid in the same manner as in other cases of the exercise of the right of eminent domain. The said corporate authorities shall make, acknowledge and file for record in the office of the recorder of deeds for such county, a map showing any change or alteration made under any order of court

as aforesaid: *Provided*, that no application shall be made under or by virtue of this section, after the first day of July, in the year of our Lord one thousand eight hundred and seventy-two, nor shall any change be made affecting the general location of any such park after said date.

§ 5. When any town, towns or corporation is subject to taxation or special assessment for the improvement of any park or parks approached or connected by boulevard or boulevards, the money so raised by taxation or special assessment remaining unexpended, after defraying the expense for improving the boulevard or boulevards to said park or parks, shall be expended upon the parks (if more than one) in said town, towns or corporation, *pro rata*, according to the number of acres in each, unless already sufficiently improved; and it is hereby made the duty of the board of commissioners of any park or parks to cause the money to be so expended. The commissioners having in charge the maintenance and improvement of any public park or parks, boulevard, driveway, highway or other public improvement, under or by virtue of this act, shall, on the first day of December, in the year of our Lord one thousand eight hundred and seventy-one, and annually thereafter, submit to the board of county commissioners or board of supervisors in the county in which the same may be located, a written or printed report of all their acts and doings in relation to the parks and other improvements under their supervision or control.

Unexpended money—how to be used.

§ 6. All laws and acts inconsistent with this act are Repealed. hereby repealed.

APPROVED June 16, 1871.

AN ACT in regard to the completion of public parks and the management thereof. In force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in all cases where lands within specified boundaries have been declared to be a public park, or for the enlargement of a public park, and provisions made for acquiring the title to the lands embraced within said boundaries, by purchase or condemnation, to be paid for out of bonds or the proceeds thereof, and there is no valid provision of law for the issue of said bonds, that it shall and may be lawful to acquire the title to all such lands or any part thereof in the manner hereinafter set forth.

Title to lands may be acquired

§ 2. All lands within said boundaries, owned or acquired hereafter by the city or town in which said park is situated,

Commissioners to purchase.

are hereby appropriated for the use of such park. The board of commissioners of such park may purchase any of said lands at fair and reasonable prices, to be determined by agreement with the owners of such lands, and to be paid for out of bonds or money in their hands, for the purpose of acquiring the title thereto, or any of said lands may be condemned in the manner provided herein, or in the mode prescribed by any law of this state, in regard to the exercise of the power of eminent domain.

Petition for
condemnation
of lands.

§ 3. The supervisors and assessors, corporate authorities of any towns in which any such park may be situated, or the commissioners of any such park, by and with the consent, in writing, of said corporate authorities, may file in the office of the clerk of any court of record, held in the county where said towns are situated, a petition setting forth a description of the lands sought to be condemned, the names of all persons interested therein, as owners or otherwise, if known, or if not known, stating that fact, and praying the court to assess the damages and fix the compensation to be paid for said lands. All persons who own or have any interest in the property described in the petition, shall be made parties defendant, and if any be minors or insane, the guardians or conservators shall be made defendants, and if any be married women, the husbands shall be joined as defendants. Persons interested who are unknown, may be made parties by the description of unknown owners. Guardians *ad litem* may be appointed for the minors.

Summons.

§ 4. The said court, to whom said petition shall be presented, shall cause to be issued a summons, returnable before said court, at not less than ten days from the date of the issue thereof, during any term day, and shall be served upon the parties made defendant, as in cases in chancery; and in case any of them are unknown or reside out of the state, or on due inquiry cannot be found, the clerk of the court, upon affidavit being filed, showing such fact, shall cause publication to be made in some newspaper printed in his county, containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons in the case; such publication to be made at least once in each week, the first of which shall be at least three weeks before the return day of such summons. The proceedings commenced under the provisions of this act shall be docketed by the clerk, and shall have precedence over all other causes, except criminal causes, and be submitted to and tried by a jury, without delay, as soon as reached upon the docket, unless continued for good cause or by consent. Any number of separate parcels of property may be included in one petition, and the damages for each shall be assessed separately, by the same or different juries, as the court may direct. The jury shall be sworn well and truly to try the cause according to their

Proceedings.

best judgment and understanding, and to make a fair and impartial assessment of damages, according to law and the evidence given them. On motion of either party, the court or judge may, in its or his discretion, for sufficient cause shown, direct a view of the premises by the jury, under such rules as it may prescribe. The jury shall assess and find the amount, if anything, which shall be paid as compensation or damages, to the respective parties interested in the property to be appropriated or damaged, or in respect of their several interests, to be ascertained as of the time when their verdict is rendered. Verdicts may be rendered in writing or stated orally in open court, and the court or judge shall cause the verdict to be recorded in such form as to express truly and fully the finding of the jury upon the issues submitted to them, and the real questions arising in the cause. In case of disagreement of a jury, another jury shall be impaneled. Upon verdicts rendered by juries, such judgments shall be entered as are warranted by the facts found, and adapted to the circumstances of each particular case, and the court may enforce such judgments by any power pertaining to a court of law or equity, and which may be necessary for the attainment of justice. Such judgment so far as not appealed from shall be a lawful and sufficient condemnation of the lands and property appropriated, and any appeal shall not delay proceedings under said judgment, except as to the property described in said appeal.

Jury to assess damages.

Verdicts.

§ 5. Payments of the damages awarded in and by the judgments entered, as aforesaid, shall be made by the board of park commissioners to the person appearing to be entitled to the same, or by bringing into the said court and depositing with the clerk thereof the amount of said damage, specifying at the time of such deposit, in a written report, to be made to said court, the several pieces of land condemned, and which are paid for by such deposit. And upon payment being made, as aforesaid, the title to said lands shall vest forever, as hereinafter provided, for the uses and purposes in this act mentioned. But if such payment or deposit shall not be made within one year after final judgment of condemnation, the land condemned shall be forever released and discharged from the public use. The court may order the payment of the money deposited and settle all conflicting claims to the same, exercising all the powers of a court of equity.

Payment of damages.

§ 6. As soon as practicable a special assessment may be made by the supervisors and assessors, corporate authorities of the towns in which any such park may be situated, on all the lands and lots within the corporate limits of such town benefited by the proposed improvement and enlargement of any such park, and not greater than the benefits thereto, in the proportion to the benefits resulting thereto

Special assessments.

by such proposed improvement and enlargement, but the aggregate amount of such assessment shall not exceed the probable damages for taking such land, and the costs and expenses incident to such taking, the costs and expenses of said appraisement, and of making such assessment, and collecting the same, and the probable increase of damages and costs and expenses in case appeals shall be taken, of which such corporate authorities shall be the judges.

Assessments to
be divided into
installments.

§ 7. The amount of such special assessment on each piece or parcel of land, lot or lots, shall be divided into twenty equal installments, all of said installments, except the first, to bear interest from the date of the issuing of the warrant, as hereinafter provided, for the collection of said first installment, at the rate of seven per centum per annum, payable annually, one of which said installments, with annual interest as aforesaid on all unpaid installments, shall be due and payable each and every year, and collected with other taxes of such towns, and such assessment shall be a lien on said lands or lots: *Provided*, that any installment or installments may be paid in advance at the option of the person whose property is chargeable therewith, and the same be discharged from the lien to the extent of the payment.

Supervisors to
report to circuit
court.

§ 8. When such special assessment shall be made and completed, the supervisors and assessors making it shall report the same to the circuit court of said county, and the commissioners of said park shall give notice that application will be made for a confirmation thereof and judgment thereon, by the publication of a notice in a newspaper published in said county, at least ten days before the time fixed for such application, and said commissioners shall prosecute the same to final judgment. The circuit court shall render judgment against all lands and lots for the several amounts assessed thereon, if no objection shall be made by the commissioners of such park, or any person legally or beneficially interested in said lands or lots. If objections shall be made, the court shall hear and determine the same in a summary way without pleadings, and may confirm, set aside or amend such assessment, in whole or in part, as to it shall seem just. In case the assessment against any piece of land or any lot shall be set aside, the supervisors and assessors, or their successors, shall proceed to make a new assessment on such land or lot, and report the same to the court, when the like proceedings shall be had. All applications for judgment under this section shall have precedence of all other cases, and be disposed of without delay.

Judgment.

Duty of the
clerk of the cir-
cuit court.

§ 9. The clerk of the circuit court shall, within five days of the first day of November in each year, make out a copy of said judgment, including a list of the lands and lots in each town, with the judgment and the full amount of

interest mentioned therein, severally assessed thereon, and a statement of the amount of the annual interest on the unpaid installments, and certify the same to be a true copy of said judgment and a correct statement of one year's interest on the unpaid installments, and deliver such certified copy of judgment and statement of interest to the collector of the proper town where such lands are situated, and this shall be a sufficient warrant to authorize such collector to collect one-twentieth of the several sums as other taxes. It shall be the duty of the collector to pay over all sums so collected to the treasurer of said park commissioners, and take a receipt therefor. Such collector shall make an entry of each payment made, opposite the lands or lots on which such special assessment shall be made in the list furnished him, and return the same to the county treasurer at the same time with his warrant for other taxes, and the county treasurer shall proceed to collect the unpaid sums required to be collected by said collector, in all respects as other taxes; and the county treasurer shall, in like manner as the town collector is herein required, make entries of all sums paid, and make return of the copy of the judgment and lists, to such general officer of the county as may be designated by the general assembly under the provisions of section four, article nine, of the constitution, unless said county treasurer shall himself be such general officer, such return to be made at the same time returns of other delinquent taxes are made.

Duty of collector.

Return of copy of the judgment

§ 10. It shall be the duty of the said officer to proceed and collect such unpaid assessments in the same manner and at the same time that he shall proceed to collect other taxes in his hands for collection. Such officer shall pay over the amount collected by him on such list, to the treasurer of the commissioners of any such park, and take his receipt therefor.

Collection of unpaid assessments.

§ 11. The supervisor and assessor of each of said towns may, from time to time, authorize bonds to be issued to an amount, including existing indebtedness of said town, so that the aggregate indebtedness of said town shall not exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the issue from time to time of said bonds, for the purpose of paying for the lands and lots to be purchased or condemned as aforesaid. Such authority shall be in writing, signed by the supervisor and assessor of said town, a copy of which shall be filed with the county clerk, and another copy shall be filed with such park commissioners, and be by them recorded in their record of proceedings of their board.

Bonds may be issued.

§ 12. Such bonds shall be issued when authorized by the corporate authorities of the towns as aforesaid, in the name of said towns respectively, by the commissioners of

Bonds to be issued when authorized.

any such park, be signed by their president and treasurer and countersigned by their secretary, with his seal of office affixed, and the special assessment herein authorized to be made. The property of said towns respectively, and the lands used for such parks, shall be pledged for the redemption of said bonds so issued by such towns. They shall bear interest at the rate of seven per cent. per annum, payable annually, and the principal shall be payable at such time as may be determined, not exceeding twenty years, and the time for the payment of the principal shall be so distributed, as nearly as practicable, as to retire, each year, an amount equal to the amount of the special assessment collected. The special assessment shall only be used for the purchase of lands and the redemption of the bonds.

Supervisors to
add amount to
taxes.

§ 13. In addition to the amount of money authorized to be raised by taxation on the property of such towns for payment of any other debt contracted by the park commissioners, falling due during the next year, and for the improvement, maintenance and government of such park during the next succeeding year, the supervisors of said towns shall also add the amount of principal and interest payable on said bonds during the next year thereafter, for which there shall be no funds arising from the special assessment to be paid during such year, to be applied in the payment of such part, and certify the amount to be thus raised by taxation, which shall be collected like such other taxes, and as fast as collected shall be paid over to the treasurer of the park board.

Title to lands
purchased.

§ 14. The title to said lands purchased or condemned under the provisions of this act, shall vest in said commissioners in trust for the use of said towns, but if at any time any city in which is vested the title to the lands already appropriated for such park, shall reimburse said town, principal and interest, for the cost of said lands, then the title shall be conveyed to and vest in said city.

Police force.

§ 15. The commissioners of any such park may appoint and support a police force.

Jury to deter-
mine amount of
damages.

§ 16. Whenever the appraisers appointed in pursuance of any law in regard to such park shall have made, or shall make any report of damages, under the provisions of any such law, in respect to any drive provided for in any such law, a jury shall be impaneled to fix and determine the amount of such compensation to be allowed any person; and in all such cases the proceedings shall be in conformity with the foregoing provisions hereof for ascertaining the compensation to be paid for lands taken for park purposes, and the verdict may be controlled by the court, and have the same force and effect as verdicts in civil and law cases.

Governor to
appoint com-
missioners.

§ 17. In all cases where the commissioners of any such park have been named in the act establishing the same, the governor shall nominate and (by and with the advice

and consent of the senate) appoint the commissioners of any such park; and the commissioners now in office under any such act of the general assembly shall transfer all money, books, papers, property and effects to the persons so appointed, as soon as they shall be qualified; and the terms of all such commissioners now in office shall cease and end with such appointment and qualification. The commissioners so appointed shall hold their offices for the term of five years and until their successors are duly appointed and qualified. All vacancies shall be filled in the same manner.

§ 18. The said commissioners shall, during the month of April, one thousand eight hundred and seventy-two, and annually thereafter, submit to the mayor of the city, or president of the board of trustees of the town in which said parks or any portion thereof may be located, a detailed statement, either written or printed, showing the amount of moneys received and expended on account of such parks, and such statement shall be preserved by such mayor or president in the files of his office.

Commissioners
to make annual
statement.

APPROVED June 16, 1871.

AN ACT to enable corporate authorities of towns to levy a tax to improve public parks and boulevards and to provide for the extension of boulevards, and regulating the duties of park commissioners, and limiting the period within which they may be paid salaries.

In force July 1,
1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in any town which is now or hereafter shall be included within the limits of any city in this state, in which a board of park commissioners shall exist, having authority by law to acquire land and the appurtenances in trust for the inhabitants of such town, and of a division or part of such city, and for such parties or persons as may succeed to the rights of such inhabitants, and for the public, as public promenade and pleasure grounds and ways, but not for any other use or purpose without the consent of a majority, by frontage, of the owners of the property fronting the same, and without the power to sell, alienate, mortgage or incumber the same, the corporate authorities of such town shall have the power to levy and collect annually a tax not exceeding three (3) mills on the dollar, of the taxable property in such town, according to the valuation of the same as made for purposes of state and county taxation, to be used and expended by such park commissioners in governing, maintaining and improving such parks and boulevards or pleasure-ways and paying other necessary and incidental expenses incurred in

Annual tax
not exceeding
three per cent.

and about the management of such park and boulevards: *Provided*, that the aggregate amount levied under this or any other act shall in no single year exceed eighty thousand dollars.

Annual estimate of the rate necessary.

§ 2. Such board of park commissioners shall annually, on or before the first day of December, in each year, transmit to the corporate authorities of such town an estimate in writing of the rate or percentage of tax necessary to raise money sufficient to pay the cost of governing, maintaining and improving such parks and boulevards, and the other necessary and incidental expenses to be incurred in and about the management of such parks and boulevards during the next succeeding year; and the corporate authorities of such town, if they, or a majority of them, decide to levy such tax, shall immediately certify to the county clerk of the county in which such town shall be located, the rate or percentage of tax by them levied for the purposes herein provided, and it shall be and is hereby made the duty of the county clerk to whom such estimate shall be furnished to set down in the general tax warrant of the year for the collection of state and county taxes, in a separate column, to be styled a "park tax," a tax in amount equal to the sum resulting from the rate or percentage so levied by said town officers, upon the real and personal property within such town, according to the assessment roll as returned for the purposes of state and county taxation next preceding the estimate herein authorized, and shall set down in such column the amount of tax chargeable to the several persons, corporations, lots or parcels of land liable for taxes in such town according to such rate or percentage, and the collector shall proceed to collect the same in such manner as is now or may hereafter be provided by law for the collection of state and county taxes, and all of the provisions of law in respect to collection of state and county taxes, and proceedings to enforce the same, which are now in force, or which may be hereafter enacted, so far as applicable, shall apply to said taxes; and as fast as such tax shall be collected by the collector or other officer receiving the same, it shall be paid over to such board of park commissioners on the joint receipt of the president and treasurer of such commissioners, or such other officers of such board of commissioners as they may appoint to receive the same.

Corporate authorities designated.

§ 3. *Be it further enacted*, That the town supervisor, clerk and assessor of such town be and they are hereby designated and constituted the corporate authorities of such town, and they, or a majority of them, may levy the tax herein authorized in the manner and for the purposes herein provided; and in case of failure, for any cause, of any town to elect such officers or other corporate authorities, then such park commissioners shall be and they are hereby made and constituted the corporate authorities of such town,

and shall in all things succeed to and perform the duties and have the power of the corporate authorities of such town for the purposes of this act.

§ 4. *Be it further enacted*, That in cases where, by virtue of any act or acts heretofore passed, public parks or boulevards have been designated or established in two or more towns contiguous to each other, and where the commissioners, authorized by such act or acts to locate such park or boulevards, shall desire to connect the same by a boulevard or pleasure-way so as to form a continuous improvement, it shall and may be lawful for such commissioners, within their respective towns, to select and designate the line of such boulevard or pleasure-way, and to acquire title to the lands which shall be necessary to make such connection by purchase or otherwise; and in case such commissioners cannot agree with the owner or owners, lessee or occupant of any of the real estate so selected, they may proceed to procure the condemnation of the same, in such manner as is now or may be hereafter prescribed by any general law for the condemnation of lands for public use, and the cost and expense of acquiring title to such land shall be levied upon and collected by special assessment upon the property deemed specially benefited by the location of such boulevard or pleasure-way, in the same manner as the costs of other lands for parks and boulevards is assessed under the several acts creating such boards, and such boulevards or pleasure-way shall be under the control and management of such park commissioners, the same as other public grounds by them established.

§ 5. *Be it further enacted*, That such park commissioners shall annually make a report to the board of auditors of their respective towns, of their actings and doings, and shall particularly set forth in such report the amount of money by them received from all sources, and how the same has been expended.

Commissioners
to make annual
report.

§ 6. The said park commissioners shall annually, on or before the fifteenth day of January of each year, submit a detailed report of their receipts and expenditures during the preceding years, to the legislative body in the town or city in which said parks are located.

Report of re-
ceipts and ex-
penditures.

§ 7. No park commissioner shall receive any salary or compensation for personal services, or be directly or indirectly interested in the purchase or sale of park lands or park bonds, and all transactions in violation of this section, shall be null and void, and the commissioner so offending shall forfeit his office, and upon proof of the offense the governor shall immediately appoint his successor: *Provided*, that the provisions of this section shall not take effect or be in force until December thirty-first, eighteen hundred and seventy-two.

Salary and
compensation.

APPROVED June 16, 1871.

PAUPERS.

In force April 17, 1871. AN ACT to legalize the action of counties which have voted for the support of paupers by townships.

Townships support legalized.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases where counties have voted for the support of the paupers of such counties by townships, and the said counties have acted in good faith for the term of five years, under the authority of said vote, in the support of paupers by townships, the acts of said counties and the townships thereof shall be and the same are made legal and binding, notwithstanding any informality in the time or manner of holding the said elections, or in recording or preserving the records of the same.

Emergency.

§ 2. An emergency having arisen by reason of the acts of said counties as above stated, whereby this act shall take effect immediately: therefore this act shall take effect and be in force from and after its passage.

APPROVED April 17, 1871.

PENITENTIARY.

In force July 1, 1871. AN ACT in relation to the penitentiary at Joliet, to be entitled "An act to provide for the management of the Illinois State Penitentiary at Joliet."

The Joliet penitentiary to be the general prison.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the penitentiary at Joliet, in the county of Will, until otherwise provided by law, shall be the general penitentiary and prison of this state, for the confinement and reformation as well as for the punishment of all persons sentenced by any court of competent jurisdiction in this state, for the commission of any crime the punishment of which is confinement in the penitentiary, in which the person so sentenced shall be securely confined, employed at hard labor, and governed in the manner hereinafter directed.

Duty of the governor.

§ 2. The governor shall visit the penitentiary semi-annually, and oftener if he shall deem it best, for the purpose of examining its affairs and its condition. He shall inquire into all alleged abuses, or neglect of duty, and may

make, in connection with the commissioners, such alterations in the general discipline of the prison as he may deem necessary.

§ 3. The officers of said penitentiary shall consist of three commissioners, one warden, one deputy warden, one chaplain, one physician, one steward, one matron, and as many turnkeys and watchmen as the warden and commissioners shall deem necessary. Officers of the penitentiary.

§ 4. The commissioners shall be appointed by the governor, and be subject to removal by him, at his discretion, which removal and the cause thereof shall be reported by the governor to the next general assembly. Those now in office shall continue to hold such offices during the terms for which they were respectively elected, unless sooner removed by the governor. At the expiration of the terms of office for which the present commissioners have been elected, and biennially thereafter, there shall be appointed by the governor one penitentiary commissioner, who shall hold his office for the term of six years, unless sooner removed therefrom. Appointments to fill vacancies occasioned by death, resignation or removal from office, shall be made for the residue only of such term or terms, and the governor shall have power to fill any vacancy existing at the time this act takes effect. Commissioners to be appointed.

§ 5. The warden, chaplain, and physician, shall be appointed by the commissioners, to hold their respective offices for the term of three years, unless sooner removed by said commissioners, and said commissioners are hereby authorized to remove said warden, chaplain, or physician, at their discretion. Warden, chaplain and physician.

§ 6. No person shall be appointed to the office of penitentiary commissioner who is a contractor in the penitentiary, or the agent or employè of any such contractor, or who is interested, either directly or indirectly, in any kind or branch of business in said penitentiary, or who shall at the time hold any other office under the laws of this state; and no such commissioner shall hold any other office or accept any appointment under this or any other law of this state during his continuance in office as such commissioner. Who may be commissioners.

§ 7. Each of said commissioners shall take and subscribe the oath or affirmation prescribed by section twenty-five, article five, of the constitution of this state; and each of the said commissioners shall enter into a bond to the People of the State of Illinois, in the penal sum of twenty-five thousand dollars, with good and sufficient sureties, to be approved by the governor and auditor of public accounts, conditioned for the faithful performance of his duty as penitentiary commissioner; and the governor and auditor of public accounts, upon discovering any default or delinquency on the part of said commissioners, or either of them, or upon the application of any surety on said bond, shall Bond of the commissioners.

have power, and it shall be their duty, at any time, to require additional security or a new bond of said commissioners, or either of them; and the state shall have a lien upon the real property of the principal in said original and supplementary bonds, from the time of the execution and approval of the same; which bond or bonds and oath or affirmation shall be filed in the office of the secretary of state before such commissioner shall enter upon the duties of his office.

Bond of the
warden.

§ 8. The warden, before entering upon the duties of his office, shall take and subscribe the oath or affirmation prescribed by section twenty-five, article five, of the constitution of this state. And he shall also enter into a bond to the People of the State of Illinois, in the penal sum of fifty thousand dollars, with good and sufficient sureties, to be approved by the governor and by the said commissioners, or a majority of them, conditioned for the faithful performance of the several duties which now are or may hereafter be required of him by law, which said bond and oath or affirmation shall be deposited in the office of secretary of state.

Deputy warden,
clerk, steward
and matrons.

§ 9. The warden shall have power, by and with the advice and consent of the commissioners, or a majority of them, to appoint a deputy warden, clerk and steward, who shall severally take and subscribe the oath of office prescribed by the constitution of the state, and give bond to the People of the State of Illinois, in the penal sum of three thousand dollars, with good and sufficient sureties, to be approved by the said commissioners or a majority of them, conditioned for the faithful discharge of the duties of their respective offices. Said deputy warden, clerk and steward shall be subject to removal by said warden, and they shall perform such duties as shall be required of them by said warden, or which may be required of them by the rules, orders and regulations of said commissioners. Said warden shall also employ such number of assistant keepers and guards as shall be necessary, who shall, at all times, be subject to his orders, and perform such duties as he shall require of them. Said warden shall also appoint a matron, and such assistant matrons as may be necessary, not exceeding one for each twenty-five female convicts in said penitentiary, who shall perform such duties in respect to said female convicts as said warden may require of them. No person shall be appointed warden or deputy warden, clerk or steward, or to any other employment in the penitentiary under this act, who is a contractor in the penitentiary, or the agent or employè of such a contractor, or who is interested, either directly or indirectly, in any kind or branch of business carried on in such penitentiary, or who shall, at the time, hold any other office under the laws of this state; and no such warden, deputy warden, clerk or steward, or

Contractors ex-
cluded.

other employè, shall hold any other office or accept any other appointment under this or any other law of this state during his continuance in such employment. And in case any such warden, deputy warden, clerk or steward, or other employè, shall become so interested, either directly or indirectly, at any time during the term of his employment, or shall accept any other office or appointment under the laws of this state, he shall be removed by the said commissioners.

§ 10. It shall be the duty of said commissioners to meet at said penitentiary at least as often as once in each month, and as much oftener as the proper control and superintendence of said penitentiary shall require. They shall examine and inquire into all matters connected with the government, discipline and police of said penitentiary, the punishment and employment of the convicts therein confined, the money concerns and contracts for work, and the purchase and sales of the articles provided for said penitentiary or sold on account thereof. They shall make and require to be enforced all such general rules, regulations and orders for the government and discipline of said penitentiary as they may deem expedient, and may, from time to time, alter and amend the same; and in making such rules and regulations it shall be their duty, in connection with the governor, to adopt such as in their judgment, while being consistent with the discipline of the penitentiary, shall best conduce to the reformation of the convicts, and they shall make all necessary and suitable provision for the employment of said convicts, subject to the limitations and provisions hereinafter contained. They shall inquire into any improper conduct which may be alleged to have been committed by the warden or any other officer or employè of said penitentiary, and for that purpose may issue subpoenas, and compel the attendance of witnesses, and the production before them of writings and papers, and may examine any witnesses, on oath, who may appear before them.

General duties
of commissioners.

§ 11. The said commissioners shall require reports from the warden and other officers of the said penitentiary, in relation to any and all matters connected with the government, management, operations, business, discipline and property of said penitentiary, and with the condition, conduct and employment of the convicts confined therein; and they shall make a biennial report to the governor, concerning the state and condition of said penitentiary and convicts, of all moneys expended and received, and on what account expended and received; of all contracts entered into during the preceding two years, for the employment of convicts or for furnishing supplies, or for any other purpose, and the terms of such contracts, stating what portion of each contract has been performed, and the several sums of money expended or received thereon; and shall also include in

Reports to and
from the commissioners.

said biennial report an abstract of all reports made to them by the officers of said penitentiary during the two preceding years.

Minutes.

§ 12. They shall keep regular minutes of their meetings and proceedings at said penitentiary, and shall cause the same, together with all orders, rules and regulations adopted by them, to be recorded in a book which shall be kept for that purpose in said penitentiary.

Food—hours
of labor.

§ 13. They shall prescribe the articles of food and the quantities of each kind which shall be provided for said convicts, and shall determine the number of hours per day during which said convicts shall be required to labor.

Inventory and
appraisement to
be made annu-
ally.

§ 14. They shall cause a full and accurate inventory and appraisement of all and singular the machinery, fixtures, goods, chattels and property of every description belonging to the state, in and about said penitentiary, to be made under oath by two or more competent appraisers, to be appointed for that purpose by said commissioners, and immediately make an inventory of all the machinery, fixtures, goods, chattels and property of every description, and at least once in each year thereafter, and shall cause a copy of such inventory and appraisement to be filed in the office of the auditor of public accounts, and another copy thereof to be appended to their biennial report to the governor.

Warden to at-
tend constantly.

§ 15. It shall be the duty of the warden to reside in and attend constantly at the penitentiary, except when absent on some necessary duty connected with his office, in which case his duties at said penitentiary shall, during such absence, be performed by the deputy warden, and in no case shall the warden and deputy warden be absent from the penitentiary at the same time.

General duties
of warden.

§ 16. The warden shall exercise a general supervision over the government discipline and police regulations of said penitentiary, in accordance with the orders, rules and regulations of said commissioners, and shall see that such orders, rules and regulations are duly enforced, and shall give the necessary directions to the officers and guards, and examine whether they have been careful and diligent in the discharge of their several duties. He shall examine daily into the state of the penitentiary and into the health, condition and safe-keeping of the convicts, and shall inquire into the justice of any complaints made by any of the convicts relative to their provision, clothing or treatment. He shall make such general orders and rules for the government of the subordinate officers and employes of said penitentiary as he may deem proper, subject to the approval of said commissioners. Such rules and orders shall be in writing, and shall be entered in a book to be kept by the warden for that purpose, and shall be subject to alteration or amendment by the said commissioners.

§ 17. The warden shall keep a daily journal of the proceedings of the penitentiary, in which shall be entered a note of every infraction of the rules and regulations of the penitentiary, by any officer or employè thereof, which shall come to his knowledge, or by any convict in said penitentiary, and of every punishment inflicted on a convict, the nature and amount thereof, and by whom inflicted; and also a memorandum of every well founded complaint made by any convict, of bad or insufficient food, want of clothing, or cruel or unjust treatment. Such journal shall be kept open at all times for the inspection of the commissioners.

Warden to keep
a daily journal.

§ 18. He shall make a monthly report to the commissioners, stating the names of all convicts received into the penitentiary during the preceding month, the counties in which they were tried, the crimes of which they were convicted, the nature and duration of their sentence, their former trade, employment or occupation, their habits, color, age, place of nativity, degree of instruction, and a description of their persons, and also stating in such report the names of all convicts pardoned or discharged during the preceding month, and all other particulars in relation to the persons so pardoned or discharged that are required to be stated in relation to convicts received into the penitentiary, and he shall also make all such other reports as shall be required of him by the commissioners.

Warden to
make monthly
report.

§ 19. The warden shall attend to the fiscal concerns of the penitentiary, under the direction of said commissioners, and shall use his best endeavors to defray all the expenses of the penitentiary by the labor of the convicts; he shall superintend the labor of the convicts when employed in manufacturing or other work on behalf of the state, and shall act under the direction of said commissioners in making contracts for the employment of the labor of the convicts, and for furnishing the necessary supplies for their support, and in purchasing such raw material as may be required for manufacture by convict labor, and in taking charge of the articles so manufactured, and selling and disposing of the same for the benefit of the state.

Finances, la-
bor, supplies
and sales.

§ 20. He shall render to said commissioners on the first day of each month a full and accurate statement of all moneys received by him, and all sums of money expended by him during the preceding month, showing on what account received and expended, and shall accompany said report with proper vouchers for all such expenditures; which report shall be verified by the oath of the warden.

Monthly state-
ment of moneys

§ 21. He shall take charge of all money and other articles of property which may be brought to the penitentiary by the convicts, and cause the same, immediately upon the receipt thereof, to be entered among the receipts of the prison; which money and other articles, whenever the convict from whom the same were received shall be discharged

Money and pro-
perty of con-
victs.

Clothing and
transportation.

from the penitentiary, or the same shall be otherwise legally demanded, shall be returned by said warden to such convict or other person legally demanding the same. He shall also furnish each convict who may be discharged from the penitentiary by pardon, or otherwise, with a suitable suit of citizens clothing, and shall also furnish such convict with transportation and a sufficient sum of money to pay his reasonable expenses to the place of his conviction; but said warden may, in his discretion, pay to such convict the equivalent in money of such transportation.

Reports to be
preserved.

§ 22. Said warden shall preserve in the penitentiary a set of all official reports made to the governor respecting said penitentiary, and a set of similar reports in relation to the penitentiaries of other states so far as he shall be able to obtain the same, and for which purpose a suitable number of the reports of said penitentiary, when printed, shall be supplied to him by the secretary of state, to exchange with the penitentiaries of other states.

Duties of the
chaplain.

§ 23. It shall be the duty of the chaplain of said penitentiary—

First—To perform religious services in the penitentiary under such regulations as the commissioners may prescribe, and to attend to the spiritual wants of the convicts.

Second—To visit the convicts in their cells, for the purpose of giving them moral and religious instruction.

Third—To furnish, at the expense of the state, a bible to each convict.

Fourth—To take charge of the library, and see that no improper books are placed in possession of the convicts, and if any such books are found, either in the cells or in the possession of such convicts, to take away and deliver the same to the commissioners; and for the purpose of the proper discharge of these duties, he shall visit weekly each cell in the penitentiary, and the books so taken away from the said convicts shall not be returned to them without the express order of the commissioners.

Fifth—To visit daily the sick in the hospital.

Sixth—To make an annual report to the commissioners for each year ending the first day of December, relative to the religious and moral conduct of the convicts during such year; stating therein what services he has performed, and the fruits of his instruction, together with any other facts relative to said convicts he may deem proper to report. It shall be the duty of the chaplain, when required by the commissioners, to give instruction in the useful branches of an English education to such convicts as, in the judgment of the warden, may require the same, and be benefited thereby, and be entitled thereto by previous good conduct; and such instruction may be given for such length of time daily as said commissioners shall prescribe (Sundays excepted), between the hours of six and nine o'clock P. M.

§ 24. The chaplain shall make a quarterly report to the commissioners, in case such instruction shall be given, stating the number of convicts instructed during the quarter, the branches of education taught, the text books used, the progress made by the convicts, and note especially any case in which unusual progress has been made by a convict.

Chaplain to
make quarterly
report.

§ 25. It shall be the duty of said commissioners to advertise for sealed bids or proposals, for the hire of the labor of the convicts in said penitentiary, in such numbers and for such periods as they may deem advisable, not exceeding eight years—such advertisement to be published at least thirty days in one daily paper published in the city of Chicago, one daily paper published in the city of Cairo, one daily paper published in the city of St. Louis, and one daily paper published in the city of Springfield, specifying the number of convicts to be employed; and at the expiration of said term of thirty days, said commissioners may open said bids, and enter into contracts for working the convicts upon such branches of business as in their judgment will best subserve the interest of the state, and tend to promote the welfare of the convicts. All contracts for the labor of convicts shall be given to the highest bidder, if the price bid be a fair and reasonable compensation for such labor. Each bid shall be accompanied by a bond, with good and sufficient sureties, in such sum as the commissioners shall determine, conditioned that in case the bid is accepted by the commissioners, the person making the same will execute a bond with good sureties as aforesaid, conditioned for the faithful performance of such contract on their part, and no bid or proposal shall be received unless such bond shall accompany the same.

Bid for labor
of convicts.

§ 26. If the bids made should be less than a fair and reasonable compensation for the labor thus bid for, the commissioners may, at their discretion, decline to contract at the rates offered, and shall immediately thereafter proceed again to advertise the letting of contracts until the same shall be successful; and in the meantime, all convicts whose labor is not contracted according to the provisions of this section, shall be hired or otherwise employed by the commissioners and warden, in such manner as they shall think most conducive to the interests of the state. Such employment shall be regarded as temporary, to terminate at any public letting: *Provided*, the commissioners shall not be required to advertise or hire out the labor of such convicts as may be employed in labor for the state.

Reasonable
compensation
required.

§ 27. The said commissioners are hereby authorized to employ the labor of any convicts not so hired out, in completing the penitentiary building, and grading and improving the grounds within and appurtenant to said penitentiary, according to the plans and specifications heretofore adopted; and said commissioners are further authorized, at

Labor on pub-
lic works.

any time hereafter, to employ the labor of any of said convicts, which, for the time being, shall not be hired out upon any other public works or buildings which the state may hereafter have in process of construction, so far as such work can be advantageously performed at said penitentiary.

Letting contracts for supplies.

§ 28. Said commissioners are hereby authorized to contract for provisions, clothing, medicine, forage, fuel and other supplies for the penitentiary, for any period of time not exceeding one year, and such contract shall be given to the lowest bidder, at a public letting thereof, if the prices bid be fair and reasonable, and not greater than the usual market value and price. Each bid shall be accompanied by a bond in such penal sum as said commissioners shall determine, with good and sufficient sureties, conditioned for the faithful performance of such contract. Notice of the time, place and conditions of the letting of each contract shall be given for at least four consecutive weeks, in such manner as the commissioners may deem expedient. If all the bids made at such letting are deemed unreasonably high, the commissioners may, in their discretion, decline to contract, and may again advertise for proposals, and may so continue to renew the advertisement until satisfactory contracts may be made, and in the meantime the commissioners may contract with any person whose offer may be regarded as just and proper; but no contract thus made shall be let to run more than sixty days, or in any case extend beyond the public letting. No bids shall be accepted, and a contract entered into in pursuance thereof, where such bid is higher than any other bid made at the same letting for the same article; and where a contract can be made at such lower bid, when two or more of the lowest bids for the same article are equal in amount, the commissioners may select the one which may by them be deemed for the best interests of the state, or may divide the contracts between the bidders, as in their discretion may seem proper and right: *Provided*, no contract shall be given or purchase made, in which either of the commissioners or any of the officers of the penitentiary are interested, and all contracts or purchases made in violation of this provision shall be void.

Daily tasks—earnings by overwork.

§ 29. It shall be the duty of the commissioners, whenever they shall deem it expedient, to so make contracts for letting the labor of convicts, as to permit each convict who performs his task in a workmanlike manner, to have a certain amount of labor allotted to him each day for a day's work, and the time gained after the performance of such task may be occupied in labor for contractors—the labor to be at the same rate the contractors pay the state for the same work, or at such rate not less than that which may be agreed upon between said contractors and such convict; and if any convict who shall so have performed overwork,

shall, for any cause, be unable to perform full work on any other day or days, no deduction shall be made from his overwork earnings on that account. It shall be the duty of the officer in immediate charge of the convicts to take daily account of the overwork earnings so made, and return the same to the clerk at the end of each month. The money so earned shall be paid to the said commissioners, and shall be collected the same as money due the state from the contractors; and an accurate and detailed account of all such moneys, by whom earned, time when, amount, and to whom payable, shall be kept, under the direction of the commissioners, in a book provided for that purpose, and they shall also cause the same to be entered monthly, in a pass-book, which the convict may keep for that purpose.

§ 30. It shall be the duty of the contractor, at the close of each month, to pay the commissioners the aggregate amount then in his hands belonging to the several convicts, for over work. The commissioners shall receive and give a separate receipt for said money. The commissioners shall open and keep an account with the fund, to be denominated "The convicts' over-work fund," and each convict, at the close of his term of confinement may draw from the commissioners his portion of such fund. Such convict may at any time, with the approbation of the warden, draw from the commissioners the amount due him from the said fund or any part thereof, for the purchase of books or magazines for the use of said convict, which said books or magazines shall be purchased for him by or under the direction of the warden, at the lowest cash price at which they may be obtained of the publishers, and no commission shall be charged for such purchase; but no cost shall accrue to the state for postage or other expenses which may arise under this section. The convict may also, by order of the commissioners, at any time, have money, due him as aforesaid, transmitted to his family or friends, for their use or to be invested for him; but for any other use the convict is prohibited from drawing money from said fund until his discharge.

§ 31. Facilities for attending religious services regularly on Sundays shall be afforded each convict, so far as the same can be done judiciously, and upon no pretext shall a convict on contract be required to labor on Sunday, nor shall any convict be required to do other than necessary labor for the state on that day.

Observance of Sunday.

§ 32. It shall be the duty of the said physician—

First—To attend at all times to the wants of the sick convicts, whether in the hospital or in their cells, and to bestow upon them all necessary medical service.

Duties of the physician.

Second—To examine weekly the cells of the convicts, for the purpose of ascertaining whether they are kept in a proper state of cleanliness and ventilation, and report the same weekly to the warden.

Third—To examine at least once in each week, and oftener if he thinks proper, into the quality and condition of the provisions provided for the convicts, and whenever he shall have reason to believe that any of such provisions are prejudicial to the health of the convicts, he shall immediately make report thereof to the warden. He shall also have power and it shall be his duty to prescribe the diet of sick convicts, and his directions in relation thereto shall be followed by the warden.

Fourth—To keep a daily record of all admissions to the hospital, and of cases treated in the cells or elsewhere, indicating the sex, color, nativity, age, occupation, habits of life, crime, period of entrance and discharge from the hospital, disease, and the prescription and treatment in each case.

Fifth—To make report monthly to the commissioners, of patients received into the hospital, or treated in the cells or elsewhere during the month, stating their respective ages, color, disease, occupation in prison, quantity and kind of medicine administered during the month, the time they shall have remained in hospital, date of commencement and termination of treatment, number of deaths (stating the cause of such deaths), and the number of days during which such patients, in consequence of sickness, shall have been relieved from labor.

Sixth—To make a yearly report to the commissioners of the sanitary condition of the penitentiary for the past year, in which all the information contained in his daily record and his monthly reports shall be condensed.

Sickness of convicts.

§ 33. It shall be the duty of such physician, in case of any convict claiming to be unable to labor by reason of sickness, to examine such convict; and if it is his opinion, upon such examination, that such convict is unable to labor, he shall immediately certify the same to the warden, and such convict shall thereupon be relieved from labor and admitted to the hospital, or placed in his cell or elsewhere for medical treatment, as said physician shall direct, having a due regard for the safe keeping of such convict; and such convict shall not be required to labor so long as in the opinion of said physician such disability shall continue; and whenever said physician shall certify to the warden that such convict is sufficiently recovered to be able to labor, said convict shall be required to labor, but not before.

Salaries of officers.

§ 34. The annual salaries of officers of said penitentiary shall be as follows:

That of the commissioners, each fifteen hundred dollars.

That of the warden, twenty-five hundred dollars.

That of the deputy warden, eighteen hundred dollars.

That of the chaplain, fifteen hundred dollars.

That of the physician, fifteen hundred dollars.

The clerks, steward, matron, assistant matron, assistant keepers and guards, and all other employes of the peniten-

tiary, shall be paid such compensation as said commissioners shall direct.

§ 35. The said warden, under the direction of the commissioners, shall be the custodian of all funds belonging to said penitentiary, whether arising from the avails of the labor of the convicts, the sales of manufactured articles, or appropriations made by the general assembly, or otherwise.

Custodian of funds.

§ 36. The auditor of public accounts shall, from time to time, draw his warrants on the treasurer in favor of said commissioners for such portions of any appropriations made by the general assembly, for the purpose of carrying on and maintaining said penitentiary, as shall, from time to time, become necessary for said commissioners to expend in carrying on and maintaining said penitentiary; but said commissioners shall not obtain said auditor's warrants on accounts of appropriation, faster than the same is actually required for the purposes aforesaid. Such warrants of the auditor shall be paid by the treasurer to said commissioners on their order, out of any funds in the treasury applicable thereto. Said commissioners shall make to the auditor, on the first day of each month, a detailed statement of all moneys received and expended during the preceding month, and accompany such report with proper vouchers for all such expenditures, and duplicates of such vouchers shall be retained by said commissioners at the penitentiary.

Powers and duties of the auditor.

§ 37. It shall not be lawful in said penitentiary to use any cruel or unusual mode of punishment, or to punish any convict by whipping in any case whatever.

Punishments.

§ 38. Whenever several convicts combined, or any single convict, shall offer violence to any officer or guard of the penitentiary, or to any convict, or do or attempt to do any injury to any building or workshops, or any appurtenances thereof, or shall attempt to escape, or shall disobey or resist any lawful command, the officers of the penitentiary and guards shall use all suitable means to defend themselves, to enforce the observance of discipline, to secure the persons of the offenders, and prevent such attempted violence or escape; and if said officers or guards employed in said penitentiary, or any of them, shall, in the attempt to prevent the escape of any convict, or in attempting to retake any convict who has escaped, or in attempting to prevent or suppress a riot, revolt, mutiny or insurrection, take the life of a convict, such officer or guard shall not be held responsible therefor, unless the same was done unnecessarily or wantonly.

Misconduct of convicts.

§ 39. The several courts of Will county having criminal jurisdiction shall take cognizance of all crimes committed within said penitentiary by the convicts therein confined, and said courts shall try and punish all such convicts charged with such crimes, in the same manner and subject to the same rules and limitations as are now established by law in

Courts of Will county.

relation to other persons charged with crimes in said county ; but in case of conviction, the sentence of said convict shall not commence to run until the expiration of the sentence under which he is then held in confinement in said penitentiary : *Provided*, that in case such convict shall be sentenced to punishment by death, such sentence shall be executed at such time as the court shall fix, without regard to the sentence under which such convict may be held in the penitentiary.

Amendments.

§ 40. It shall be the duty of said commissioners to report to the governor (to be communicated to the general assembly from time to time) such amendments to this act as in their judgment shall be necessary, in order to secure the best, most economical and safest administration of the affairs of said penitentiary.

Rules to be read.

§ 41. It shall be the duty of the chaplain to read to the convicts, at least once in each month, the rules and regulations of the penitentiary, so far as the same relate to such convicts, and to make such explanations of the same as he shall deem proper.

Insane convicts.

§ 42. If any case of insanity shall occur in said penitentiary, such insane person shall at once be removed to the insane hospital, at Jacksonville, or other similar hospital under the control of the state, at the expense of the state ; and should said patient recover before his or her time of imprisonment shall expire, he or she shall be returned to said penitentiary ; and it is hereby made the duty of the superintendent of the said hospital for the insane to receive into said hospital and treat all such insane convicts as in other cases of insanity.

Limitation on debts.

§ 43. The commissioners and the warden of said penitentiary are hereby forbidden to contract any debt, on behalf of the state, beyond the amount of the appropriation made by the general assembly ; and if the said commissioners or either of them, or the said warden, shall contract any debt on behalf of the state, beyond, such appropriation, such contract shall be void, and said commissioners and their sureties, or said warden and his sureties, shall be held liable to pay such debts.

§ 44. All laws which are inconsistent with this act are hereby repealed.

APPROVED June 16, 1871.

PUBLIC LIBRARIES.

AN ACT to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms. In force March 7, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city council of each incorporated city shall have power to establish and maintain a public library and reading-room for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed one mill on the dollar, annually, and in cities of over one hundred thousand inhabitants, not to exceed one-fifth of one mill annually, on all the taxable property in the city, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the "Library Fund." Tax—library fund.

§ 2. When any city council shall have decided to establish and maintain a public library and reading-room, under this act, the mayor of such city shall, with the approval of the city council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large with reference to their fitness for such office; and not more than one member of the city council shall be at any one time a member of said board. Directors.

§ 3. Said directors shall hold office one third for one year, one-third for two years, and one-third for three years, from the first of July following their appointment, and at their first regular meeting shall cast lots for the respective terms; and annually thereafter the mayor shall, before the first of July of each year, appoint as before three directors, to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed. The mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty. Term of office

§ 4. Vacancies in the board of directors, occasioned by removals, resignation, or otherwise, shall be reported to the city council, and be filled in like manner as original appointments, and no director shall receive compensation as such. Vacancies.

§ 5. Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading-room as may be expedient, not inconsistent with this act. They shall have Organization of board.

the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose: *Provided*, that all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds to occupy, lease or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act, in establishing and maintaining a public library and reading-room.

To be free.

§ 6. Every library and reading-room, established under this act, shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading-room of the greatest benefit to the greatest number; and said board may exclude from the use of said library and reading-room any and all persons who shall willfully violate such rules.

Report.

§ 7. The said board of directors shall make, on or before the second Monday in June, an annual report to the city council, stating the condition of their trust on the first day of June of that year, the various sums of money received from the library fund and from other sources, and how such moneys have been expended, and for what purposes; the number of books and periodicals on hand, the number added by purchase, gift, or otherwise, during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books; with such other statistics, information and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit.

Penalties.

§ 8. The city council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or other property thereof, and for injury to or failure to return any book belonging to such library.

Donation.

§ 9. Any person desiring to make donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money or real estate so donated in the board of directors created under this

act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees.

§ 10. When fifty legal voters of any incorporated town, village or township shall present a petition to the clerk of the town, village or township (or trustee of schools in counties not under township organization), asking that an annual tax may be levied for the establishment and maintenance of a free public library in such town or township, and shall specify, in their petition, a rate of taxation not to exceed two mills on the dollar, such clerk (or trustee of schools in counties not under township organization) shall, in the next legal notice of the regular annual election in such town or township, give notice that at such election every elector may vote, "For a . . . mill tax for a free public library," or "Against a . . . mill tax for a free public library," specifying in such notice the rate of taxation mentioned in said petition; and if the majority of all the votes cast in such town, village or township shall be "For the tax for a free public library," the tax specified in such notice shall be levied and collected in like manner with other general taxes of said town or township, and shall be known as the "Library Fund": *Provided*, that such tax shall cease in case the legal voters of any such town, village or township shall so determine by a majority vote, at any annual election held therein; and the corporate authorities of such towns or villages may exercise the same powers conferred upon the corporate authorities of cities under this act. Petition.

§ 11. At the next regular election after any town, village or township shall have voted to establish a free public library, there shall be elected a library board of six directors, one-third for one year, one-third for two years, and one-third for three years, and annually thereafter there shall be elected two directors, who shall hold their office for three years and until their successors are elected and qualified; which board shall have the same powers as are by this act conferred upon the board of directors of free public libraries in cities. Library board.

§ 12. Whereas, all the libraries of Chicago were destroyed by the recent fire in that city, and large donations of books have been made to found a free library, and whereas no suitable building or organization exists to receive or preserve them, therefore an emergency exists that this law shall take effect immediately: therefore this act shall take effect and be in force from and after its passage. Emergency.

APPROVED March 7, 1872.

PUBLIC OFFICERS.

In force July 1, 1872. AN ACT to prevent fraudulent and corrupt practices in the making or accepting of official appointments and contracts by public officers.

Supervisor or
county commis-
sioner,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be and is hereby declared unlawful for any supervisor or county commissioner, during the term of office for which he is elected, to be appointed to, accept or hold any office, by appointment or election of the board of which he may be a member; and any and all appointments and elections by the board of supervisors or county commissioners, whereby any member or members of said board, or either of them, may be selected to fill any official position, shall be absolutely null and void.

Alderman or
trustee.

§ 2. That it shall be and is hereby declared unlawful for any alderman of any city, or member of the board of trustees of any village of this state, during the term of office for which he is elected, to accept or be appointed to or hold any office, by the appointment of the mayor or president of the board of trustees thereof; and any and all such election or appointment shall be absolutely null and void.

Penalty for vi-
olation.

§ 3. It shall not be lawful for any person, now or hereafter holding any office, either by election or appointment, under the constitution of this state, to become in any manner interested, either directly or indirectly, in his own name or in the name of any other person or corporation, in any contract, or the performance of any work in the making or letting of which such officer may be called upon to act or vote. And it shall not be lawful for any such officer to represent, either as agent or otherwise, any person, company or corporation, in respect of any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor shall any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value, as a gift or bribe, or a means of influencing his vote or action in his official character; and any and all contracts made and procured in violation hereof, shall be null and void.

§ 4. Any alderman, member of a board of trustees, supervisor or county commissioner, or person now or hereafter holding any office, either by election or appointment under the constitution of this state, or any law now or hereafter in force in this state, who shall violate any of the provisions of the preceding sections, shall be deemed guilty of a misdemeanor, and on conviction thereof may be punished by confinement in the penitentiary for a term not less than

one year nor more than five years, or fined in a sum not less than two hundred dollars nor more than one thousand dollars, or both, in the discretion of the court before which such conviction shall be had; and in addition thereto, any office or official position held by any person or persons so convicted shall, by the fact of such conviction, become vacant, and shall be so declared as part of the judgment of court; and the person or persons so convicted shall be disqualified from holding any office or position of trust and confidence in this state for the period of two years, from and after the date of such conviction.

APPROVED April 9, 1872.

PUBLIC PRINTING.

AN ACT to provide for and regulate the execution of the public printing. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the secretary of state, state treasurer and the auditor of public accounts shall be *ex officio* commissioners of public printing during their terms of office respectively. Commissioners of printing.

§ 2 The printing for the state shall be divided into five classes, to be let in separate contracts, as follows: The printing of all bills for the two houses of the general assembly, together with such resolutions and other matters as may be ordered by the two houses, or either of them, for their use during their sessions, to be printed in bill form, shall constitute the first class, and shall be let in one contract. The printing of the journals of the senate and house of representatives shall constitute the second class, and shall be let in one contract. The printing of all reports, communications or other documents ordered by the general assembly, or either branch thereof, or by the executive departments of the state government, to be printed in pamphlet or book form, together with the volumes of public documents, shall constitute the third class, and shall be let in one contract. The printing of the laws and joint resolutions shall constitute the fourth class, and shall be let in one contract. The printing of all blanks, circulars, cards or other work necessary for the use of the executive departments, or either branch of the general assembly (other than such as shall be printed in pamphlet or bill form), shall constitute the fifth class, and shall be let in one contract. Printing to be divided into classes.

Advertisements
for proposals.

Proposals.

Bond.

Opening of pro-
posals.

Award of con-
tract.

§ 3. The commissioners of printing shall, between the third day of July and the first day of August next after the passage of this act, and biennially thereafter, within the same period, cause to be published in at least one daily newspaper printed in each of the cities of Springfield, Chicago, Peoria, Rock Island, Cairo and Quincy, an advertisement, which advertisement shall continue two weeks from the date of its first publication, giving notice that sealed proposals will be received at the office of the secretary of state, for the execution of the several classes of the public printing, in separate contracts, for the term of two years, from and after the first Monday of November next ensuing. Said proposals to be filed in the office of the secretary of state on or before the fourth Monday of August, next after said public notice, which proposals shall distinctly and specifically state the price per thousand ems for the composition of all matter embraced in the proposals for any or all of such classes of printing; the price per one hundred impressions for all press work embraced in the first, second, third and fourth classes, and the price per twenty-five impressions for the press work contained in the fifth class, at which the bidder will do the work embraced in the class or classes of the printing covered by his proposals. Each proposal shall be accompanied by a bond, executed in due form by the bidder, with at least two good and sufficient sureties, satisfactory to the commissioners of printing, and to be approved by the governor, before the same is filed, in the penal sum of ten thousand dollars, conditioned for the faithful performance, pursuant to this act, of such class or classes of the state printing as may be awarded to him; and for the payment as liquidated damages by such bidder, to the state, of any excess of cost over the bid or bids of such bidder which the state may be obliged to pay for such work by reason of the failure of such bidder to complete his contract.

§ 4. The commissioners of printing, or any two of them, shall, immediately after the expiration of the time for receiving proposals as aforesaid, proceed to open all such proposals by them received; and they shall, on careful examination and computation, immediately award the contract for each class of printing to the lowest bidder therefor: *Provided*, that nothing herein contained shall be construed so as to prevent the same person from becoming contractor for two or more classes, if he shall be the lowest bidder therefor. If two or more persons shall bid the same and the lowest price for any class or classes of the printing, the commissioners shall award the contracts to such one or more of them as may be decided by lot. All printing done under this act must be executed within the state. All transportation connected with the public printing shall be

at the expense of the contractor or contractors for such printing.

§ 5. The maximum rates for printing done under this act shall be as follows: Plain composition, sixty cents per one thousand ems; figure work, ninety cents; rule and figure work, one dollar and twenty cents; press work, twenty-five cents per hundred impressions: *Provided*, that no job shall be counted at less than two hundred. Maximum rates

§ 6. The bills, resolutions and other matters specified in the first class of printing shall be printed with small pica or long primer type, in pages not to exceed twelve inches long by six inches wide, with a pica reglet only between the lines: *Provided*, that when bills or other matter in this class shall contain tables or anything which should more properly be printed solid, the secretary of state shall have authority to so direct, and such solid matter may be charged for at double rates. In computing the composition in this class, it shall be measured solid matter. Necessary fractions of pages shall be counted as full pages, but no blank pages shall be charged for. The printing in this class shall be done in the city of Springfield. Bills, resolutions, etc.

§ 7. The journals of the two houses of the general assembly, specified in the second class, shall be printed in long primer type, with at least sixteen hundred ems in a page, without unnecessary leads, blanks or broken lines or pages: *Provided*, that indexes, tables, resolutions, the yeas and nays and quoted matter be printed in nonpareil type. The matter shall in all cases be solid. The report of each motion or resolution shall be embraced in one paragraph, and where the yeas and nays are given, each division list shall be in one paragraph, with the names run-in alphabetically, and the result given in the last line. Journals of the general assembly.

§ 8. Public documents and reports, communications and other matters embraced in the third class, shall be printed in the same kind of type, and on pages of the same size as required for the journals in the preceding section. Documents and reports.

§ 9. The laws, specified in the fourth class, shall be printed in the same form and be subject to the same conditions as in the two preceding sections, without marginal notes. Head-lines, printed in italics, shall precede each law needing an index, setting forth the subject of each section according to its number. Laws.

§ 10. The composition of printing embraced in the fifth class shall be estimated as follows: All work in which type larger than pica predominates shall be counted as pica; all work in which type larger than minion and less than pica predominates shall be counted as minion; all type smaller than minion shall be counted as agate; and all work, such as letter heads, blanks, and the like, shall be measured and estimated by the surface actually covered, and not by the Composition in fifth class.

size of the sheet used: *Provided*, that no job shall be counted at less than one thousand ems.

Measurement.

§ 11. In estimating the composition of laws, journals, pamphlets and public documents, a fractional page shall be counted as a full page. All figure work requiring additional "justification" in each line, and all rule work requiring the fitting in of rules, shall be allowed for at the rate of one price and a half, and for all rule and figure work, double price for composition shall be allowed.

To be printed
of uniform size.

§ 12. The laws and journals, messages of the governor, reports of state officers, reports of the railroad and warehouse commissioners, reports of committees of the legislature, and all other documents required by the legislature or any department of state to be printed, shall be of uniform size, so as to admit of their being bound together in compact form.

Notice to suc-
cessful bidder.

§ 13. It shall be the duty of the secretary of state to give prompt notice to each successful bidder that his proposals have been accepted. If, from death or any unforeseen cause, there shall be a failure on the part of any successful bidder to execute his contract, the commissioners of printing, or any two of them, may enter into a contract with the next lowest bidder, or with some other person, to execute the work, having reference to the lowest prices at which the same can be done. If any contractor, after commencing upon his contract, shall fail to execute the work embraced therein with reasonable expedition and in a suitable manner, the commissioners of printing may notify him that, for reasons which they shall specify, his contract is canceled, and they may then contract with some other person, to be approved by the governor, to do the work at the lowest practicable rates.

Orders to be
promptly exe-
cuted.

§ 14. The contractors for the printing under this act shall promptly and without delay execute all orders for printing issued to them under the provisions of this act.

Reading proof
and measure-
ment.

§ 15. The secretary of state is authorized to employ a practical printer to draw up the specifications, to read proof, to measure the work and examine the accounts according to the provisions of this act—such printer to be paid at the rate of five dollars per day for time actually employed. Such printer shall not be in any way, directly or indirectly, interested in or connected with any contract let under this act.

Account of pa-
per delivered.

§ 16. The secretary of state shall keep an accurate account of all paper delivered to the contractor or contractors for printing, and shall see that it is used to advantage and without unnecessary waste. All printing under this act shall be ordered through the secretary of state, who shall see that the full number of copies of each job ordered is re-

ceived from the printer and delivered to the proper department. He shall keep a record of all printing ordered by him, and shall file and preserve a copy of each document printed, with the number ordered and received by him, the cost of the same, when ascertained, indorsed thereon, and the authority by which the printing thereof was ordered.

§ 17. Each contractor for any class of the public printing shall file and preserve one copy of each document or other matter by him printed for the state, which he shall deliver to the secretary of state, with his account for the same, in which account shall be specifically stated in detail the various jobs performed, the number of copies of each job, the number of ems of composition in each, the extra charge, if any, for rule, or figure, or rule and figure work, the number of impressions in each job, together with the kind and quantity of paper consumed in each job.

Contractor to keep copy.

§ 18. All accounts filed under the preceding section shall be carefully examined by the secretary of state, and be compared with the vouchers therefor and the orders for the same. If any errors be found in such account, the secretary shall immediately correct the same, and return it to the contractor who rendered it; and when the account is finally corrected and adjusted, he shall certify the same to the commissioners of printing, who shall carefully examine the same, and when approved by said commissioners, or any two of them, the auditor of the state shall draw a warrant upon the treasurer thereof, payable out of any moneys appropriated for that purpose.

Secretary of state to examine accounts.

§ 19. Each contractor for any branch of the public printing shall deliver over to the secretary of state, or upon his order to the binder who may have contracted to bind the same, in good order, all copies of work ordered to be printed. The binder shall deliver all copies of documents so received and bound by him to the secretary of state.

Delivery to binder.

§ 20. The paper for the state printing aforesaid shall be provided by the state; and the secretary of state shall, from time to time, as the same may be needed, deliver to each contractor suitable paper for the printing which he is required by his contract to do; he shall take and preserve from each contractor a receipt for all paper so delivered, and shall keep an account of the same, and at the biennial settlement, on or before the first Monday in November, each contractor shall deliver to the secretary of state all paper belonging to the state which has not been used in the state printing. The secretary of state shall take note of the paper so returned, and if it is found that any paper belonging to the state has been wasted or converted to other use, the contractor to whom the same shall have been delivered shall be charged with the value thereof, together with a penalty of fifty per cent., and the amount shall be deducted

Paper.

from his account: *Provided*, that an allowance of three per cent. on the cost of such paper may be made for the usual wastage.

Delay form
want of copy.

§ 21. All matter which may be ordered printed shall be delivered to the printer with as little delay as possible, and the printer, who is bound by his contract to print the same, shall not be held accountable for any delay occasioned by the want of copy.

Indexes.

§ 22. In printing the journals of the senate and the house of representatives, as specified in the sixth section of this act, it shall be the duty of the secretary of state to make out indexes to the printed and recorded journals of said senate and house of representatives.

Certificate to
laws.

§ 23. All laws printed or published by authority of this state shall be printed or published without any certificates or addition to the same, except the word "approved," and the date of said approval; and in each volume of the session laws hereafter published, there shall be a general certificate made by the secretary of state, to the effect that all the laws and resolutions therein contained have been compared by him with the originals thereof in his office, and that they are correct copies thereof.

Annual report
to governor.

§ 24. The secretary of state shall annually report to the governor the amount of all printing contracts, to whom the same were let, the character and kind of each and the cost of the same, respectively, and all other matters and things connected with such printing.

State institu-
tions.

§ 25. State institutions may be contractors for any class of the public printing, on complying with the provisions of this act.

Repeal.

§ 26. All acts or parts of acts in conflict with this act are hereby repealed.

APPROVED April 9, 1872.

RAILROADS AND WAREHOUSES.

In force July 1, 1871, AN ACT to establish a board of railroad and warehouse commissioners, and prescribe their powers and duties.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That a* commission, which shall be styled "Railroad and Warehouse Commission," shall be appointed as follows: Within twenty days after this act shall take effect, the governor shall appoint three persons as such commissioners, who shall hold

Appointment of
commissioners.

their office until the next meeting of the general assembly, and until their successors are appointed and qualified. At the next meeting of the general assembly, and every two years thereafter, the governor, by and with the advice and consent of the senate, shall appoint three persons as such commissioners, who shall hold their offices for the term of two years from the first day of January in the year of their appointment, and until their successors are appointed and qualified.

§ 2. No person shall be appointed as such commissioner who is at the time of his appointment in any way connected with any railroad company or warehouse, or who is directly or indirectly interested in any stock, bond, or other property of, or is in the employment of any railroad company or warehouseman, and no person appointed as such commissioner shall, during the term of his office, become interested in any stock, bond or other property of any railroad company or warehouse, or in any manner be employed by or connected with any railroad company or warehouse. The governor shall have power to remove any such commissioner at any time, in his discretion.

Who may be commissioners.

§ 3. Before entering upon the duties of his office, each of the said commissioners shall make and subscribe and file with the secretary of state, an affidavit, in the following form:

Oath and bond required.

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of commissioner of railroads and warehouses, according to the best of my ability.

And shall enter into bonds, with security to be approved by the governor, in the sum of twenty thousand dollars, conditioned for the faithful performance of his duty as such commissioner.

§ 4. Each of said commissioners shall receive for his services a sum not exceeding thirty-five hundred dollars per annum, payable quarterly. They shall be furnished with an office, office furniture and stationery, at the expense of the state, and shall have power to appoint a secretary to perform such duties as they shall assign to him. Said secretary shall receive for his services a sum not exceeding fifteen hundred dollars per annum. The office of the said commissioners shall be kept at Springfield, and all sums authorized to be paid by this act shall be paid out of the state treasury, and only on the order of the governor: *Provided*, that the total sum to be expended by said commissioners for office rent and furniture and stationery shall, in no case, exceed the total sum of eight hundred dollars per annum.

Compensation of commissioners.

§ 5. The said commissioners shall have the right of passing, in the performance of their duties concerning railroads, on all railroads and railroad trains in this state.

Allowed to pass

Annual report
of each com-
pany.

§ 6. Every railroad company incorporated or doing business in this state, or which shall hereafter become incorporated or do business under any general or special law of this state, shall, on or before the first day of September, in the year of our Lord one thousand eight hundred and seventy-one, and on or before the same day in each year thereafter, make and transmit to the commissioners appointed by virtue of this act, at their office in Springfield, a full and true statement, under oath, of the proper officers of said corporation, of the affairs of their said corporation, as the same existed on the first day of the preceding July, specifying—

First—The amount of capital stock subscribed, and by whom.

Second—The names of the owners of its stock, and the amounts owned by them respectively, and the residence of each stockholder as far as known

Third—The amount of stock paid in, and by whom.

Fourth—The amount of its assets and liabilities.

Fifth—The names and place of residence of its officers.

Sixth—The amount of cash paid to the company on account of the original capital stock.

Seventh—The amount of funded debt.

Eighth—The amount of floating debt.

Ninth—The estimated value of the road bed, including iron and bridges.

Tenth—The estimated value of rolling stock.

Eleventh—The estimated value of stations, buildings and fixtures.

Twelfth—The estimated value of other property.

Thirteenth—The length of single main track.

Fourteenth—The length of double main track.

Fifteenth—The length of branches, stating whether they have single or double track.

Sixteenth—The aggregate length of siding and other tracks not above enumerated.

Seventeenth—The number of miles run by passenger trains during the year preceding the making of the report.

Eighteenth—The number of miles run by freight trains during the same period.

Nineteenth—The number of tons of through freight carried during the same time.

Twentieth—The number of tons of local freight carried during the same time.

Twenty-first—Its monthly earnings for the transportation of passengers during the same time.

Twenty-second—Its monthly earnings for the transportation of freight during the same time.

Twenty-third—Its monthly earnings from all other sources respectively.

Twenty-fourth—The amount of expense incurred in the running and management of passenger trains during the same time.

Twenty-fifth—The amount of expense incurred in the running and management of freight trains during the same time; also, the amount of expense incurred in the running and management of mixed trains during the same time.

Twenty-sixth—All other expenses incurred in the running and management of the road during the same time, including the salaries of officers, which shall be reported separately.

Twenty-seventh—The amount expended for repairs of road and maintenance of way, including repairs and renewal of bridges and renewal of iron.

Twenty-eighth—The amount expended for improvement, and whether the same are estimated as a part of the expenses of operating or repairing the road, and, if either, which.

Twenty-ninth—The amount expended for motive power and cars.

Thirtieth—The amount expended for station houses, buildings and fixtures.

Thirty-first—All other expenses for the maintenance of way.

Thirty-second—All other expenditures, either for management of road, maintenance of way, motive power and cars, or for other purposes.

Thirty-third—The rate of fare for passengers for each month during the same time, through and way passengers separately.

Thirty-fourth—The tariff of freights, showing each change of tariff during the same time.

Thirty-fifth—A copy of each published rate of fare for passengers and tariff of freight, in force or issued for the government of its agents during the same time.

Thirty-sixth—Whether the rate of fare and tariff of freights in such published lists are the same as those actually received by the company during the same time; if not, what were received.

Thirty-seventh—What express companies run on its roads and on what terms and on what conditions; the kind of business done by them, and whether they take their freights at the depots or at the office of such express companies.

Thirty-eighth—What freight and transportation companies run on its road, and on what terms.

Thirty-ninth—Whether such freight and transportation companies use the cars of the railroad or the cars furnished by themselves.

Fortieth—Whether the freight or cars of such companies are given any preference in speed or order of transportation, and if so, in what particular.

Forty-first—What running arrangements it has with other railroad companies, setting forth the contracts for the same.

Other in.erro-
gatories.

§ 7. The said commissioners may make and propound to such railroad companies any additional interrogatories, which shall be answered by such companies in the same manner as those specified in the foregoing section.

Scope of act.

§ 8. Sections six and seven of this act shall apply to the president, directors and officers of every railroad company now existing or which shall be incorporated or organized in this state, and to every lessee, manager and operator of any railroad within this state.

Statement by
warehousemen.

§ 9. It shall be the duty of every owner, lessee and manager of every public warehouse in this state, to furnish in writing, under oath, at such times as such railroad and warehouse commissioners shall require and prescribe, a statement concerning the condition and management of his business as such warehouseman.

Annual report
by commission-
ers.

§ 10. Such commissioners shall, on or before the first day of December, in each year, and oftener if required by the governor so to do, make a report to the governor of their doings for the preceding year, containing such facts, statements and explanations as will disclose the actual workings of the system of railroad transportation and warehouse business in their bearings upon the business and prosperity of the people of this state, and such suggestions in relation thereto as to them may seem appropriate, and particularly, first, whether in their judgment the railroads can be classified in regard to the rate of fare and freight to be charged upon them, and if so, in what manner; second, whether a classification of freight can also be made, and if so, in what manner. They shall also, at such times as the governor shall direct, examine any particular subject connected with the condition and management of such railroads and warehouses, and report to him in writing their opinion thereon with their reasons therefor.

Further duties
of commission-
ers.

§ 11. Said commissioners shall examine into the condition and management, and all other matters concerning the business of railroads and warehouses in this state, so far as the same pertain to the relation of such roads and warehouses to the public, and to the accommodation and security of persons doing persons therewith; and whether such railroad companies and warehouses, their officers, directors, managers, lessees, agents, and employes, comply with the laws of this state now in force, or which shall hereafter be in force concerning them. And whenever it shall come to their knowledge, either upon complaint or otherwise, or they shall have reason to believe that any such law or laws have been or are being violated, they shall prosecute or cause to be prosecuted all corporations or persons guilty of such violation. In order to enable said commissioners efficiently to perform their duties under this act, it is hereby

To prosecute.

made their duty to cause one of their number, at least once in six months, to visit each county in the state, in which is or shall be located a railroad station, and personally inquire into the management of such railroad and warehouse business.

§ 12. Said commissioners are hereby authorized to hear and determine all applications for the cancellation of warehouse licenses in this state which may be issued in pursuance of any laws of this state, and for that purpose to make and adopt such rules and regulations concerning such hearing and determination as may, from time to time, by them be deemed proper. And if, upon such hearing, it shall appear that any public warehouseman has been guilty of violating any law of this state concerning the business of public warehousemen, said commissioners may cancel and revoke the license of said public warehouseman, and immediately notify the officer who issued such license of such revocation and cancellation; and no person whose license as a public warehouseman shall be canceled or revoked, shall be entitled to another license or to carry on the business in this state of such public warehouseman, until the expiration of six months from the date of such revocation and cancellation, and until he shall have again been licensed: *Provided*, that this section shall not be so construed as to prevent any such warehouseman from delivering any grain on hand at the time of such revocation or cancellation of his said license. And all licenses issued in violation of the provisions of this section shall be deemed null and void.

Cancellation of licenses.

§ 13. The property, books, records, accounts, papers and proceedings of all such railroad companies, and all public warehousemen shall at all times, during business hours, be subject to the examination and inspection of such commissioners, and they shall have power to examine, under oath or affirmation, any all directors, officers, managers, agents and employes of any such railroad corporation, and any and all owners, managers, lessees, agents and employes of such public warehouses and other persons, concerning any matter relating to the condition and management of such business.

Examination of books, records, etc.

§ 14. In making any examination as contemplated in this act, or for the purpose of obtaining information, pursuant to this act, said commissioners shall have the power to issue subpoenas for the attendance of witnesses, and may administer oaths. In case any person shall willfully fail or refuse to obey such subpoena it shall be the duty of the circuit court of any county, upon application of the said commissioners, to issue an attachment for such witness, and compel such witness to attend before the commissioners, and give his testimony upon such matters as shall be lawfully required by such commissioners, and the said court shall

Power as to witnesses.

have power to punish for contempt, as in other cases of refusal to obey the process and order of such court.

Refusal to obey
subpena.

§ 15. Any person who shall willfully neglect or refuse to obey the process of subpoena issued by said commissioners, and appear and testify as therein required, shall be deemed guilty of a misdemeanor, and shall be liable to an indictment in any court of competent jurisdiction, and on conviction thereof shall be punished for each offense, by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment of not more than thirty days, or both, in the discretion of the court before which such conviction shall be had.

Penalties ag't
railroad compa-
nies.

§ 16. Every railroad company, and every officer, agent or employè of any railroad company, and every owner, lessee, manager or employè of any warehouse, who shall willfully neglect to make and furnish any report required in this act, at the time herein required, or who shall willfully and unlawfully hinder, delay, or obstruct said commissioners in the discharge of the duties hereby imposed upon them, shall forfeit and pay a sum of not less than one hundred nor more than five thousand dollars for each offense, to be recovered in an action of debt in the name and for the use of the People of the State of Illinois; and every railroad company, and every officer, agent or employè of any such railroad company, and every owner, lessee, manager, or agent or employè of any public warehouse, shall be liable to a like penalty for every period of ten days it or he shall willfully neglect or refuse to make such report.

Duty of attor-
ney general and
state's attorneys

§ 17. It shall be the duty of the attorney-general, and the state's attorney in every circuit or county, on the request of said commissioners, to institute and prosecute any and all suits and proceedings which they, or either of them, shall be directed by said commissioners to institute and prosecute for a violation of this act, or any law of this state concerning railroad companies or warehouses, or the officers, employès, owners, operators, or agents of any such companies or warehouses.

Concerning
prosecution.

§ 18. All such prosecutions shall be in the name of the People of the State of Illinois, and all moneys arising therefrom shall be paid into the state treasury by the sheriff or other officer collecting the same; and the state's attorney shall be entitled to receive for his compensation from the state treasury, on bills to be approved by the governor, a sum not exceeding ten per cent. of the amount received and paid into the state treasury as aforesaid: *Provided*, this act shall not be construed so as to prevent any person from prosecuting any *qui tam* action as authorized by law, and of receiving such part of the amount recovered in such action as is or may be provided under any law of this state.

Private Dam-
ages.

§ 19. This act shall not be so construed as to waive or affect the right of any person injured by the violation of

any law in regard to railroad companies or warehouses from prosecuting for his private damages in any manner allowed by law.

APPROVED April 13, 1871.

RAILROADS.

AN ACT to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same; for prescribing and defining the duties and limiting the powers of such corporations when so organized. In force March 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That any* Number of persons.
number of persons, not less than five, may become an incorporated company for the purpose of constructing and operating any railroad in this state.

§ 2. Such persons shall organize by adopting and signing articles of incorporation, which shall be recorded in the office of the recorder of deeds in each county through or into which such railway is proposed to be run, and in the office of the secretary of state. Articles of incorporation to be recorded.

§ 3. Such articles shall contain :

First—The name of the proposed corporation. Provisions of articles.

Second—The places from and to which it is intended to construct the proposed railway.

Third—The place at which shall be established and maintained the principal business office of such proposed corporation.

Fourth—The time of the commencement and the period of the continuance of such proposed corporation.

Fifth—The amount of the capital stock of such corporation.

Sixth—The names and places of residence of the several persons forming the association for incorporation.

Seventh—The names of the members of the first board of directors, and in what officers or persons the government of the proposed corporation and the management of its affairs shall be vested.

Eighth—The number and amount of shares in the capital stock of such proposed corporation.

§ 4. When the articles shall have been filed and recorded as aforesaid, the persons named as corporators therein, shall thereupon become and be deemed a body corporate, and shall thereupon be authorized to proceed to carry into effect the objects set forth in such articles, in accord- Powers of corporation when organized.

ance with the provisions of this act. As such body corporate they shall have succession, and in their corporate name may sue and be sued, plead and be impleaded. The said corporation may have and use a common seal, which it may alter at pleasure; may declare the interests of its stockholders transferable; establish by-laws, and make all rules and regulations deemed necessary for the management of its affairs in accordance with law. A copy of any articles of incorporation filed and recorded in pursuance with this act, or of the record thereof, and certified to be a copy by the secretary of state, or his deputy, shall be presumptive evidence of the incorporation of such company, and of the facts therein stated.

Term of ex-
istence.

§ 5. No such corporation shall be formed to continue more than fifty years in the first instance, but such corporation may be renewed from time to time, in such manner as may be provided by law, for periods not longer than fifty years: *Provided*, that three-fourths of the votes cast at any regular election for that purpose, shall be in favor of such renewal, and those desiring a renewal shall purchase the stock of those opposed thereto at its current value.

By-laws.

§ 6. A copy of the by-laws of the corporation, duly certified, shall be recorded as provided for the recording of the articles of association in section two of this act; and all amendments and additions thereto, duly certified, shall also be recorded as herein provided, within ninety days after the adoption thereof.

Office and books

§ 7. Every such corporation organized under the provisions of this act, shall have and maintain a public office or place in this state for the transaction of its business, where transfers of all its stock shall be made, and in which shall be kept for public inspection, books, wherein shall be recorded the amount of capital stock subscribed and by whom, the names of the owners of its stock, the number of shares held by each person, and the number by which each of said shares is respectively designated, and the amounts owned by them respectively, the amount of stock paid in, and by whom, the transfers of said stock, the amount of its assets and liabilities, and the names and places of residence of all its officers.

Board of di-
rectors.

§ 8. All the corporate powers of every such corporation shall be vested in and be exercised by a board of directors, who shall be stockholders of the corporation, and shall be elected at the annual meetings of stockholders at the public office of such corporation within this state. The number of such directors, the manner of their election, and the mode of filling vacancies, shall be specified in the by-laws, and shall not be changed except at the annual meetings of the stockholders. The first board of directors shall classify themselves by lot in such manner that there shall be, as nearly as practicable, three directors in each class.

Those belonging to the first class shall go out of office at the end of one year, those of the second class at the end of two years, and in like manner those of each class shall go out of office at the expiration of a number of years corresponding to the number of his class; and all vacancies occurring by reason of expiration of term, shall be filled by election for a term of years equal to the number of classes.

§ 9. A meeting may be called at any time during the interval between such annual meetings, by the directors, or by the stockholders owning not less than one-fourth of the stock, by giving thirty days' public notice of the time and place of such meeting in some newspaper published in each county through or into which the said railway shall run, or be intended to run, provided there be a newspaper published in each of the counties aforesaid; and if, at any such special meeting so called, a majority in value of the stockholders equal to two-thirds of the stock of such corporation, shall not be represented in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if, within said three days, two-thirds in value of such stock shall not be represented at such meeting, then the meeting shall be adjourned, and a new call may be given and notified as hereinbefore provided.

§ 10. At the regular annual meeting of the stockholders of any corporation organized under the provisions of this act, it shall be the duty of the president and directors to exhibit a full, distinct and accurate statement of the affairs of the said corporation; and at any meeting of the stockholders, or a majority of those present (in person or by proxy), may require similar statements from the president and directors, whose duty it shall be to furnish such statements when required in manner aforesaid; and all general meetings of the stockholders, a majority in value of the stockholders of any such corporation may fix the rates of interest which shall be paid by the corporation for loans for the construction of such railway and its appendages, and the amount of such loans. At any special meeting, by a two-thirds vote in value of all the stock, such stockholders may remove any president, director or other officer of such corporation, and elect others instead of those so removed. All stockholders shall, at all reasonable hours, have access to and may examine all the books records and papers of such corporation.

§ 11. In case it shall happen, at any time, that an election of directors shall not be made on the day designated by the by-laws of such corporation for that purpose, the corporation, for such cause, shall not be dissolved, if within ninety days thereafter the stockholders shall meet and hold an election for directors in such manner as shall be provided by the by-laws of such corporation: *Provided*, that it

Meetings.

Annual and
special
state-
ments.Election of di-
rectors.

shall require a majority in value of the stock of such corporation to elect any member of such board of directors, and a majority of such board of directors shall be citizens and residents of this state.

President and other officers.

§ 12. There shall be a president of such corporation, who shall be chosen by and from the board of directors, and such other subordinate officers as such corporation, by its by-laws, may designate, who may be elected or appointed, and shall perform such duties and be required to give such security for the faithful performance thereof as such corporation, by its by-laws, shall require, provided that it shall require a majority of the directors to elect or appoint any officer.

Subscriptions to capital stock.

§ 13. The directors of such corporation may require the subscribers to the capital stock of such corporation to pay the amount by them respectively subscribed, in such manner and in such installments as they may deem proper. If any stockholder shall neglect to pay any installment as required by a resolution or order of such board of directors, the said board shall be authorized to declare such stock and all previous payments thereon forfeited for the use of the corporation; but the said board of directors shall not declare such stock so forfeited until they shall have caused a notice in writing to be served on such stockholder personally, or by depositing the same in a post office, properly directed to the post office address of such stockholder, or if he be dead, to his legal representatives, with necessary postage for its transmittal properly prepaid, stating therein that in accordance with such resolution, or order, he is requested to make such payment, at a time and place and in the manner to be specified in such notice, and that if he fails to make the same in the manner requested, his stock and all previous payments thereon will be forfeited for the use of such corporation; and thereafter such corporation, should default in payment be made, may sell the same and issue new certificates of stock therefor: *Provided*, that the notice as aforesaid shall be personally served or duly deposited, as above required, at least sixty days previous to the day on which such payment is required to be made.

Stock—how transferable.

§ 14. The stock of such corporation shall be deemed personal estate, and shall be transferable in the manner prescribed by the by-laws of such corporation. But no shares shall be transferable until all previous calls thereon shall have been paid; and it shall not be lawful for such corporation to use any of the funds thereof in the purchase of its own stock, or that of any other corporation, or to loan any of its funds to any director or other officer thereof, or to permit them or any of them to use the same for other than the legitimate purposes of such corporation.

Increase of capital stock.

§ 15. In case the capital stock of any such corporation shall be found insufficient for constructing and operating its

road, such corporation may, with the concurrence of two-thirds in value of all its stock, increase its capital stock, from time to time, to any amount required for the purpose aforesaid. Such increase shall be sanctioned by a vote, in person or by proxy, of two-thirds in amount of all the stock of such corporation, at a meeting of such stockholders called by the directors of the corporation for such purpose, by giving notice in writing to each stockholder, to be served personally or by depositing the same in a post office, directed to the post office address of each of said stockholders severally, with necessary postage for the transmittal of the same, prepaid, at least sixty days prior to the day appointed for such meeting, and by advertising the same in some newspaper published in each county through or into which the said road shall run or be intended to run (if any newspaper shall be published therein), at least sixty days prior to the day appointed for such meeting. Such notice shall state the time and place of the meeting, the object thereof, and the amount to which it is proposed to increase such capital stock; and at such meeting the corporate stock of such corporation may be so increased, by a vote of two-thirds in amount of the corporate stock of such corporation, to an amount not exceeding the amount mentioned in the notices so given. Should the directors of any such corporation desire at any time to call a special meeting of the stockholders, for any other necessary purpose, the same may be done in the manner in this section provided, and if such meeting be attended by the owners of two-thirds in amount of the stock, in person or by proxy, any other necessary business of such corporation may be then transacted, except the altering, amending or adding to the by-laws of such corporation: *Provided*, such business shall have been specified in the notices given. And the proceedings of any such meeting shall be entered on the journal of the proceedings of such corporation. Every order or resolution increasing the capital stock of any such corporation shall be duly recorded as required in section two of this act.

§ 15½. No person holding stock in any such corporation as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholders of such corporation; but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder accordingly.

Liabilities on stock.

§ 16. Each stockholder of any corporation formed under the provisions of this act, shall be held individually liable to the creditors of such corporation to an amount not exceeding the amount unpaid on the stock held by him, for any and all debts and liabilities of such corporation, until the whole amount of the capital stock of such corporation so held by him shall have been paid.

Liabilities of stockholders.

Title to real
estate.

§ 17. If any such corporation shall be unable to agree with the owner for the purchase of any real estate required for the purposes of its incorporation, or the transaction of its business, or for its depots, station buildings, machine and repair shops, or for right of way or any other lawful purpose connected with or necessary to the building, operating or running of said road, such corporation may acquire such title in the manner that may be now or hereafter provided for by any law of eminent domain.

Materials for
construction.

§ 18. Any such corporation may, by their agents and employes, enter upon and take from any land adjacent to its road, earth, gravel, stone, or other materials, except fuel and wood, necessary for the construction of such railway, paying, if the owner of such land and the said corporation can agree thereto, the value of such material taken and the amount of damage occasioned thereby to any such land or its appurtenances; and if such owner and corporation can not agree, then the value of such material, and the damage occasioned to such real estate, may be ascertained, determined and paid in the manner that may now or hereafter be provided by any law of eminent domain, but the value of such materials, and the damages to such real estate, shall be ascertained, determined and paid for before such corporation can enter upon or take the same.

Powers of cor-
porations.

§ 19. Every corporation formed under this act shall, in addition to the powers hereinbefore conferred, have power:

First—To cause such examination and survey for its proposed railway to be made as may be necessary to the selection of the most advantageous route; and for such purpose, by its officers, agents or servants, may enter upon the lands or waters of any person or corporation, but subject to responsibility for all damages which shall be occasioned thereby.

Second—To take and hold such voluntary grants of real estate and other property as shall be made to it, in aid of the construction and use of its railway, and to convey the same when no longer required for the uses of such railway, not incompatible with the terms of the original grant.

Third—To purchase, hold and use all such real estate and other property as may be necessary for the construction and use of its railway, and the stations and other accommodations necessary to accomplish the object of its incorporation, and to convey the same when no longer required for the use of such railway.

Fourth—To lay out its road, not exceeding one hundred feet in width, and to construct the same; and for the purpose of cuttings and embankments, to take as much more land as may be necessary for the proper construction and security of the railway; and to cut down any standing trees that may be in danger of falling upon or obstructing

the railway, making compensation therefor in manner provided by law.

Fifth—To construct its railway across, along or upon any stream of water, watercourse, street, highway, plank road, turnpike or canal, which the route of such railway shall intersect or touch; but such corporation shall restore the stream, watercourse, street, highway, plank road and turnpike thus intersected or touched, to its former state, or to such state as not unnecessarily to have impaired its usefulness, and keep such crossing in repair: *Provided*, that in no case shall any railroad company construct a road-bed without first constructing the necessary culverts or sluices, as the natural lay of the land requires for the necessary drainage thereof. Nothing in this act contained shall be construed to authorize the erection of any bridge, or any other obstruction, across or over any stream navigated by steamboats, at the place where any bridge or other obstructions may be proposed to be placed, so as to prevent the navigation of such stream; nor to authorize the construction of any railroad upon or across any street in any city, or incorporated town or village, without the assent of the corporation of such city, town or village: *Provided*, that in case of the constructing of said railway along highways, plank roads, turnpikes or canals, such railway shall either first obtain the consent of the lawful authorities having control or jurisdiction of the same, or condemn the same under the provisions of any eminent domain law now or hereafter in force in this state.

Sixth—To cross, intersect, join and unite its railways with any other railway before constructed, at any point in its route, and upon the grounds of such other railway company, with the necessary turnouts, sidings and switches, and other conveniences, in furtherance of the objects of its connections; and every corporation whose railway is or shall be hereafter intersected by any new railway, shall unite with the corporation owning such new railway in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined in manner prescribed by law.

Seventh—To receive and convey persons and property on its railway, by the power and force of steam or animals, or by any mechanical power.

Eighth—To erect and maintain all necessary and convenient buildings and stations, fixtures and machinery, for the construction, accommodation and use of passengers, freights and business interests, or which may be necessary for the construction or operation of said railway.

Ninth—To regulate the time and manner in which passengers and property shall be transported, and the compensation to be paid therefor, subject, nevertheless, to the provisions of any law that may now or hereafter be enacted.

Tenth—From time to time, to borrow such sums of money as may be necessary for completing, finishing, improving or operating any such railway, and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its corporate property and franchises to secure the payment of any debt contracted by such corporation for the purposes aforesaid; but the concurrence of the holders of two-thirds in amount of the stock of such corporation, to be expressed in the manner and under all the conditions provided in the fifteenth section of this act, shall be necessary to the validity of any such mortgage; and the order or resolution for such mortgage shall be recorded as provided in the second section of this act; and the directors of such corporation shall be empowered, in pursuance to any such order or resolution, to confer on any holder of any bond for money so borrowed, as aforesaid, the right to convert the principal due or owing thereon into stock of such corporation, at any time not exceeding ten years after the date of such bond, under such regulations as may be provided in the by-laws of such corporation.

Rolling stock.

§ 20. The rolling stock and all other movable property belonging to any such corporation, shall be considered personal property, and shall be liable to execution and sale, in the same manner as the personal property of individuals.

Issue of stock and bonds.

§ 21. No such corporation shall issue any stock or bonds, except for money, labor or property actually received and applied to the purposes for which such corporation was organized. All stock dividends and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void.

Consolidation.

§ 22. No such corporation shall consolidate its capital stock with any other railway owning a parallel or competing line. And in no case shall any consolidation take place, except upon sixty days' notice thereof given, which notice shall be given in manner and form as prescribed in the fifteenth section of this act.

Annual report to auditor.

§ 23. The directors of every such corporation shall annually make a report, under oath, to the auditor of public accounts, and to such other officers as may be designated by law, of all its actings and doings, which, in part, shall include such matters relating to such corporations as may be now or hereafter prescribed by law.

Powers of general assembly.

§ 24. The general assembly shall have power to enact, from time to time, laws to prevent and correct abuses, and to prevent unjust discriminations and extortions in the rates of freight and passenger tariff, and to establish reasonable maximum rates of charges for the transportation of persons

or property on any railway that may be constructed under the provisions of this act, and to enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of the property and franchises of any such corporation.

§ 25. In all elections for directors or managers of such railway corporations, every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors, multiplied by the number of his shares of stock, shall equal; or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.

Votes for directors or managers.

§ 25½. In all cases when any corporation organized under this act to induce aid in its construction, either by donation or subscription to its capital stock, shall desire to fix the rates for any period of time for the transportation of passengers or freight, such corporation may adopt a resolution fixing such rates, and the time for which the same is to be fixed, and have the same recorded in the office of the recorder of deeds in the several counties through which said road is proposed to be run; and during the time for which they are fixed, said rates shall in no case be amended by said corporation or its successors: *Provided*, that said rates shall not exceed the rates allowed by law.

Donations or subscriptions.

§ 26. If any railway corporation organized under this act, shall not, within two years after its articles of association shall be filed and recorded as provided in the second section of this act, begin the construction of its road, and expend thereon twenty-five per cent. on the amount of its capital, within five years after the date of its organization, or shall not finish the road and put it in operation within ten years from the time of filing its articles of association, as aforesaid, its corporate existence and powers shall cease.

Commencement of construction.

§ 27. That an act entitled "An act to amend 'an act to provide for a general system of railroad incorporations,' approved November 5, 1849," approved February 13, 1857; and, also, all of an act entitled "An act to provide for a general system of railroad incorporations," approved November 5, 1849, except the sections of the last named act, numbered 34, 35, 36, 37, 38, 39, 40, 41, 42 and 45, and all laws in conflict with the provisions of this act, be and the same are hereby repealed: *Provided, however*, that all general laws of this state in relation to railroad incorporations, and the powers and duties thereof, so far as the same are not inconsistent with the provisions of this act, shall remain in force and be applicable to railroad incorporations organized under this act. The repeal of the acts and parts of acts

Acts repealed.

mentioned in this section, shall not be construed as to affect any rights acquired thereunder; but all corporations formed under such acts or parts of acts may, if they will adopt this act, be entitled to proceed thereunder, and have all the benefits of this act. And the fixing of the terminus by any such corporation shall have the same effect as if it had been fixed by the general assembly.

Emergency.

§ 28. Whereas there is no sufficient law for the organization of railroads in this state, and an emergency therefore exists, requiring this law to go into effect at once: therefore, this act shall take effect from and after its passage.

APPROVED March 1, 1872.

In force July 1, 1872. AN ACT to prevent injury to persons or property at railroad junctions or crossings.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That engineers or other persons having control of and running railroad trains upon any of the railroads in this state, shall, and are hereby required, on approaching any railroad junction or railroad crossing, to cause the train to come to a full stop at a distance of at least two hundred feet before entering upon said junction or crossing, and not more than one thousand feet from the same, and if practicable, within said limits, to stop in full view of said junction or crossing.

Train to come to full stop.

Failure or neglect—penalties

§ 2. If any engineer or other person having direction and control of any railroad train running upon any railroad in this state, shall fail or neglect to comply with the provisions of the first section of this act, he shall, on conviction thereof, be fined in any sum not exceeding two hundred dollars, to be recovered in an action of debt in any court of this state having competent jurisdiction; and such engineer or other person so offending shall be jointly and severally bound with the company owning said railroad for any and all injuries and damages to any person or persons, or to the property of any person or persons, by reason of a failure or neglect to comply with the provisions of the first section of this act, in such action as may be suited to the nature of the injury or damage complained of, before any court in this state having competent jurisdiction thereof.

§ 3. This act shall be taken and construed to be a public act, and shall have a liberal construction for the accomplishment of its provisions.

APPROVED April 9, 1872.

AN ACT to prevent unjust discriminations and extortions in the rates to be charged by the different railroads in this state for the transportation of freight on said roads. In force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no railroad corporation organized or doing business in this state under any act of incorporation or general law of this state now in force or which may be hereafter enacted, shall charge or collect for the transportation of goods, merchandise or property on its said road, for any distance, the same nor any larger or greater amount as toll or compensation than is at the same time charged or collected for the transportation of similar quantities of the same class of goods, merchandise or property over a greater distance upon the same road, nor shall such corporation charge different rates for receiving, handling or delivering freight at different points on its road, or roads connected therewith which it has a right to use. Nor shall any such railroad corporation charge or collect for the transportation of goods, merchandise or property over any portion of its road, a greater amount as toll or compensation than shall be charged or collected by it for the transportation of similar quantities of the same class of goods, merchandise or property over any other portion of its road of equal distance; and all such rules, regulations or by laws of any such railroad corporation as fix, prescribe or establish any greater toll or compensation than is hereinbefore prescribed, are hereby declared to be void. Freights to be uniform.

§ 2. The term "railroad corporation," contained in this act, shall be deemed and taken to mean all corporations, companies or individuals now owning or operating, or which may hereafter own or operate any railroad in this state. "Railroad corporation" defined.

§ 3. No railroad corporation shall increase its rates of toll or compensation to be charged for the transportation, receipt, handling or delivery of any property from any point on its line of road to any other point on its line of road, by reason of any decrease in its rates which may be required to be made under the first section of this act; nor shall the rate of toll or compensation on any day hereafter, charged or collected for the transportation, receipt, handling or delivery of any property, from any point on its line of road to any other point on its line of road, be greater or more than that charged or collected on the same day and month in the year one thousand eight hundred and seventy, for the transportation receipt, handling or delivery of similar quantities of the same class of property over the same part or portion of said road. Whenever any railroad corporation, as lessee or otherwise, operates any other railroad in connection with its own road, the provisions of this act as to charges for carrying freight shall apply to such other road, so operated, in like manner as if the same were Rates of 1870 standard.

a part of the line of road owned by the corporation operating the same; and for such purpose all lines of railroad operated by the same company shall be considered as one and the same road.

Penalty for violation.

§ 4. Any railroad corporation which shall fix, demand, take or receive from any person or persons any greater toll or compensation for the transportation, receipt, handling or delivery of goods or merchandise, in violation of the provisions of this act, shall forfeit and pay for any such offense any sum not exceeding one thousand dollars and costs of suit, including a reasonable attorney's fee, to be taxed by any court where the same is heard by appeal or otherwise—to be recovered in an action of debt by the party aggrieved, in any court having jurisdiction thereof. And any officer, agent or employe of any such railroad corporation who shall knowingly and willfully violate the provisions of this act, shall be liable to the penalties prescribed in this section.

Forfeiture of franchises.

§ 5. Any willful violation of any of the provisions of this act on the part of any railroad corporation shall be deemed and taken a forfeiture of its franchises, and such corporation so offending may be proceeded against by the state's attorney in any circuit or county through or into which its road may run, by *scire facias*, or upon information in the nature of a *quo warranto* to judgment of ouster and final execution.

APPROVED April 7, 1871.

In force July 1, 1871. AN ACT regulating the receiving, transportation and delivery of grain by railroad corporations, and defining the duties of such corporations with respect thereto.

Manner of receiving grain.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every railroad corporation, chartered by or organized under the laws of this state or doing business within the limits of the same, when desired by any person wishing to ship any grain over its road, shall receive and transport such grain in bulk, within a reasonable time, and load the same either upon its track, at its depot, or at any warehouse adjoining its track or side track, without distinction, discrimination or favor between one shipper and another, and without distinction or discrimination as to the manner in which such grain is offered to it for transportation, or as to the person, warehouse or place to whom or to which it may be consigned. And at the time such grain is received by it for transportation, such corporation shall carefully and correctly weigh the same, and issue to the shipper thereof a receipt

Weighing—bill of lading.

or bill of lading for such grain, in which shall be stated the true and correct weight; and such corporation shall weigh out and deliver to such shipper, his consignee or other person entitled to receive the same, at the place of delivery, the full amount of such grain, without any deduction for leakage, shrinkage or other loss in the quantity of the same. In default of such delivery, the corporation so failing to deliver the full amount of such grain shall pay to the person entitled thereto the full market value of any such grain not delivered at the time and place when and where the same should have been delivered. If any such corporation shall, upon the receipt by it of any grain for transportation, neglect or refuse to weigh and receipt for the same, as aforesaid, the sworn statement of the shipper, or his agent having personal knowledge of the amount of grain so shipped, shall be taken as true, as to the amount so shipped; and in case of the neglect or refusal of any such corporation, upon the delivery by them of any grain, to weigh the same as aforesaid, the sworn statement of the person to whom the same was delivered, or his agent having personal knowledge of the weight thereof, shall be taken as true, as to the amount delivered. And if, by such statements, it shall appear that such corporation has failed to deliver the amount so shown to be shipped, such corporation shall be liable for the shortage, and shall pay to the person entitled thereto the full market value of such shortage, at the time and place when and where the same should have been delivered.

Neglect or refusal to weigh.

§ 2. At all stations or places from which the shipment of grain by the road of any such corporation shall have amounted, during the previous year, to fifty thousand bushels or more, such corporation shall erect and keep in good condition for use, and use in weighing grain to be shipped over its road, true and correct scales, of proper structure and capacity for the weighing of grain by car load, in their cars, after the same shall have been loaded. Such corporation shall carefully and correctly weigh each car upon which grain shall be shipped from such place or station, both before and after the same is loaded, and ascertain and receipt for the true amount of grain so shipped. If any such corporation shall neglect or refuse to erect and keep in use such scales, or shall neglect or refuse to weigh, in the manner aforesaid, any grain shipped in bulk from any station or place, the sworn statement of the shipper, or his agent having personal knowledge of the amount of grain shipped, shall be taken as true, as to the amount so shipped. In case any railroad corporation shall neglect or refuse to comply with any of the requirements of sections first, second and fifth of this act, it shall, in addition to the penalties therein provided, forfeit and pay for every such offense, and for each and every day such refusal or neglect is continued, the sum of one hundred dollars, to be recovered in an ac-

Scales to be provided.

Penalties ag't railroads.

tion of debt, before any justice of the peace, in the name of the People of the State of Illinois—such penalty or forfeiture to be paid to the county in which the suit is brought—and shall also be required to pay all costs of prosecution, including such reasonable attorney's fees, as may be assessed by the justice before whom the case may be tried.

Manner of delivery of grain.

Damages allowed.

Second or later refusal.

Receiver appointed.

Consignments temporary and subject to change.

§ 3. Every railroad corporation which shall receive any grain in bulk for transportation to any place within the state, shall transport and deliver the same to any consignee, elevator, warehouse, or place to whom or to which it may be consigned or directed: *Provided*, such person, warehouse or place can be reached by any track owned, leased or used, or which can be used by such corporation; and every such corporation shall permit connections to be made and maintained with its track to and from any and all public warehouses where grain is or may be stored. Any such corporation neglecting or refusing to comply with the requirements of this section, shall be liable to all persons injured thereby for all damages which they may sustain on that account, whether such damages result from any depreciation in the value of such property by such neglect or refusal to deliver such grain as directed, or in loss to the proprietor or manager of any public warehouse to which it is directed to be delivered, and costs of suit, including such reasonable attorney's fees as shall be taxed by the court. And in case of any second or later refusal of such railroad corporation to comply with the requirements of this section, such corporation shall be by the court, in the action on which such failure or refusal shall be found, adjudged to pay, for the use of the people of this state, a sum of not less than one thousand dollars, nor more than five thousand dollars, for each and every such failure or refusal, and this may be a part of the judgment of the court in any second or later proceeding against such corporation. In case any railroad corporation shall be found guilty of having violated, failed, or omitted to observe and comply with the requirements of this section, or any part thereof, three or more times, it shall be lawful for any person interested to apply to a court of chancery, and obtain the appointment of a receiver to take charge of and manage such railroad corporation until all damages, penalties, costs and expenses adjudged against such corporation for any and every violation shall, together with interest, be fully satisfied.

§ 4. All consignments of grain to any elevator or public warehouse shall be held to be temporary, and subject to change by the consignee or consignor at any time previous to the actual unloading of such property from the cars in which it is transported. Notice of any change in consignment may be served by the consignee, or any agent of the railroad corporation having the property in possession who may be in charge of the business of such corporation at the

point where such property is to be delivered; and if, after such notice, and while the same remains uncanceled, such property is delivered in any way different from such altered or changed consignment, such railroad corporation shall, at the election of the consignee or person entitled to control such property, be deemed to have illegally appropriated such property to its own use, and shall be liable to pay the owner or consignee of such property double the value of the property so appropriated; and no extra charge shall be permitted by the corporation having the custody of such property, in consequence of such change of consignment.

§ 5. Any consignee or person entitled to receive the delivery of grain transported in bulk by any railroad, shall have twenty-four hours free of expense, after actual notice of arrival by the corporation to the consignee, in which to remove the same from the cars of such railroad corporation, if he shall desire to receive it from the cars on the track; which twenty-four hours shall be held to embrace such time as the car containing such property is placed and kept by such corporation in a convenient and proper place for unloading. And it shall not be held to have been placed in a proper place for unloading, unless it can be reached by the consignee, or person entitled to receive it, with teams or other suitable means for removing the property from the car, and reasonably convenient to the depot of such railroad corporation at which it is accustomed to receive and unload merchandise consigned to that station or place. Nothing herein contained, however, shall be held to authorize the changing of any consignment of grain, except as to the place at which it is to be delivered or unloaded, nor shall such change of consignment, in any degree, affect the ownership or control of property in any other way.

Arrival of grain
—notice to consignee.

§ 6. Every railroad corporation organized or doing business under the laws of this state, or authority thereof, shall receive and deliver all grain consigned to its care for transportation at the crossings and junctions of all other railroads, canals, and navigable rivers. Any violation of this section shall render any such railroad corporation subject to the same penalty as contained in section three of this act.

To receive from
other carriers.

§ 7. All laws in conflict with this act are hereby repealed. Repealed.
APPROVED April 25, 1871.

In force July 1, 1871. AN ACT to establish a reasonable maximum rate of charges for the transportation of passengers on railroads in this state.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all railroad corporations organized or doing business in this state, under the laws or authority thereof, shall be limited to the rates of compensation for the transportation of passengers which are herein prescribed.

Rates of fare limited.

Classification of railroads.

§ 2. All railroads in this state shall be classified according to the gross amount of their respective annual earnings, per mile, as follows:

Class A shall include all railroads whose gross annual earnings, per mile, shall be ten thousand dollars or more.

Class B shall include all railroads whose gross annual earnings, per mile, shall be eight thousand dollars, or any sum in excess thereof less than ten thousand dollars.

Class C shall include all railroads whose gross annual earnings, per mile, shall be four thousand dollars, or any sum in excess thereof less than eight thousand dollars.

Class D shall include all railroads whose gross annual earnings, per mile, shall be any sum less than four thousand dollars.

Lawful rates of fare.

§ 3. All railroad corporations, according to their classification as herein prescribed, shall be limited to compensation, per mile, for the transportation of any person with ordinary baggage, not exceeding one hundred pounds in weight, as follows:

Class A—Two and one-half cents.

Class B—Three cents.

Class C—Four cents.

Class D—Five and one-half cents.

Provided, that no such corporation shall charge, demand or receive any greater compensation, per mile, for the transportation of children twelve years of age or under, than half the rates above prescribed: *And, provided, also*, a charge of ten cents may be added to the fare of any passenger when the same is paid upon the cars, if a ticket might have been procured within a reasonable time before the departure of the train.

Act to be posted up.

§ 4. All railroad corporations shall keep posted in a conspicuous place in their depots, a printed copy of this act, with a table of distances between each and every station of their road, and a statement showing the class to which its road belongs.

Penalty for a violation.

§ 5. Any railroad corporation which shall charge, demand or receive any greater compensation for the transportation of any passenger than is authorized by this act, shall be liable to the party aggrieved in the sum of five hundred dollars, and the same may be recovered, together

with all costs of suit and a reasonable attorney's fee, to be taxed by the court, in an action of debt in any court having competent jurisdiction.

§ 6. If any final judgment shall be recovered against any such corporation under the provisions of the fifth section of this act, a fifth time, such corporation shall be deemed to have forfeited all its rights, privileges and franchises; and it shall be the duty of the state's attorney, in any circuit or county through, or into which its road may run, to proceed against such railroad corporation so violating any provision of this act, upon information in the nature of *quo warranto*, to judgment of *ouster* and final execution; and in addition to the procedure herein provided, such corporation may be proceeded against in such other manner as may be provided by law.

Forfeiture of franchises.

§ 7. This act shall not be held to apply to any city or street railroad.

Street railroads excepted.

APPROVED April 15, 1871.

AN ACT authorizing the formation of union depots and stations for railroads in this state. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in order to facilitate the public convenience and safety in the transmission of goods and passengers from one railroad to another, and to prevent the unnecessary expense, inconvenience and loss attending the accumulation of a number of stations, any number of persons, not less than five, are hereby authorized to form themselves, or any three or more railroad companies may themselves form or join individuals in forming a corporation, for the purpose of constructing, establishing and maintaining a union station for passenger or freight depots, or for both, in any city, town or place in this state, with the necessary offices and rooms convenient for the same, and appurtenances thereto; and for that purpose may make and sign articles in which shall be stated the number of years the same is to continue, the city, town or place in which the same is to be located, the amount of the capital stock of said company (which shall not exceed three millions of dollars), the amount of each share of stock, the names and places of residence of its directors (which shall not be less than five nor exceed fifteen), who shall manage its affairs for the first year and until others are chosen in their place, and shall also state the amount of stock taken by each subscriber.

Corporations for constructing

Certificate of
incorporation —
petition.

§ 2. Any association of persons or corporation, desiring to become incorporated under the provisions of this act, may present their articles of association to the circuit court of the county in which such city or place is, or to the judge thereof in vacation, with the petition from such members for a certificate of incorporation under the provisions of this act, to which petition shall be added or appended a certificate of at least three railroad companies who have tracks leading into said city, town or place, stating its public utility, and that they expect to make arrangements for its use when it shall be constructed, signed by the president of their respective companies.

Court to grant
certificate.

§ 3. If the circuit court, or any judge thereof, in vacation, shall be satisfied that said certificate has been signed by such companies, then the said court or judge, upon filing the said petition, articles and certificate aforesaid, with the clerk of the court, shall grant to the said association a certificate of incorporation, which may be in the following form, to-wit:

Form.

Whereas, A, B, and C, etc., (stating the names) have filed in the office of the clerk of the circuit court their articles of association in compliance with the provisions of an act entitled "An act authorizing the formation of union depots and stations for railroads in this state," approved (stating day of approval), with their petition of incorporation, under the name and style of They are therefore hereby declared a body politic and corporate by the name and style aforesaid, with all the powers, privileges and immunities granted in the act above named.

By order of circuit court (or judge thereof).

.....

Attest:

....., *Clerk of circuit court of county*.....

And thereupon, upon filing the same or a certified copy thereof, in the office of the secretary of state, the said association from the time of such filing shall be a corporation under the laws of this state.

Powers of cor-
porations.

§ 4. Every corporation formed under this act, in addition to the general powers conferred by the laws of this state in relation to corporations, shall have power:

First—To take and hold such real estate as they may acquire either by conveyance to said corporations, and such as it may acquire under the provisions of this act by condemnation.

Second—To take, occupy and condemn any land and real estate, or any interest therein, needed for the establishment of such union station or depot, and necessary approaches thereto, and the same proceedings shall be had therefor as are now, or may hereafter be, provided by law concerning the condemnation of lands for or by railroad companies in the state, so far as such laws are applicable to the purposes of this act; and when so condemned the said land, and any interest therein, shall belong to such corporation for the purposes of this act.

Third—With the consent of the corporate authorities of the city, town or place in which said station or depot is to

be constructed, to have the right to lay the necessary track or tracks over, upon or under such streets or roads of said city, town or place, as may be necessary to make the necessary connections with railroads proposing to use said union depot, and may, with such consent, also construct such station or depot under, over or upon any such streets or roads.

Fourth—From time to time to borrow such sums of money as may be necessary for the construction, completion and finishing or repairing of such station or depot, and to issue and dispose of their bonds for such amounts at such prices as they shall think proper, and to mortgage their corporate property and franchise for the purpose of securing the same.

Fifth—To open, from time to time, books of subscription to the remainder of the capital stock not taken by the subscribers to the articles of association.

§ 5. After the directors named in the articles of incorporation shall have served for one year, there shall be an annual election of directors, to be conducted in the manner prescribed in the constitution of this state. The directors so elected shall serve for the ensuing year, and notices of such election, appointing a time and place, shall be given by the directors as originally constituted for the first annual election, and thereafter by their successors in office, which notice shall be published not less than twenty days previous thereto, in some newspaper published in the English language in the city, town or place in which said station or depot is located. Annual election of directors.

§ 6. There shall be no discrimination against or in favor of any railroad company using or desiring to use the said union depots, but the terms, conditions and regulations adopted for the use of the same shall, so far as practicable, be uniform and apply alike to all railroads using, or desiring to use, said union depots. Use to be uniform to companies.

APPROVED April 3, 1872.

REAL ESTATE.

AN ACT to authorize towns to sell and convey real estate.

In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the legal voters of any town organized under the township organization law, which owns real estate in its corporate capacity, may, by the adoption of resolutions to that effect, at* Adoption of resolutions.

the time appointed for the transaction of the general business of the town at the annual town meeting, authorize the supervisor to sell and convey any such real estate of the town not deemed necessary for public use, upon such terms and conditions as may be prescribed in such resolutions, and may authorize the proceeds of such sale to be applied to such corporate purposes as may be deemed expedient.

Public vendue
—notice.

§ 2. Whenever such sale is so authorized the supervisor may sell such real estate, in behalf of the town, at public vendue, to the highest bidder for cash, or upon credit, as he may have been directed at the town meeting, after having given at least three weeks' notice of the time, place and terms of such sale, by posting not less than five notices thereof at public places within the town, and by causing a copy of such notice to be published in some newspaper published within the county.

Deeds of conveyance.

§ 3. The supervisor shall have power to make and execute, in behalf of the town, all necessary deeds to carry such sale into effect, and to sign such deeds in his official capacity, and affix thereto the corporate seal of the town (if any), and if the town has no corporate seal, then to affix a scroll to such deeds in the place of a seal. Any deed so executed in pursuance of such sale, shall convey to the purchaser all the right and title of the town in and to the lands therein described; and the recitals in such deed, showing the authority of the supervisor to make the same, in compliance with the provisions of this act, shall be *prima facie* evidence of the facts therein recited, showing such authority.

APPROVED April 2, 1872.

In force July 1, AN ACT to provide for the sale of real property escheated to and vested in the state.

Auditor to dispose of.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts is hereby authorized and empowered to dispose of any or all real property which may have escheated to, or shall hereafter escheat to, and become vested in the state, at public sale, at the county seat of the county in which such real property may be situated, to the highest bidder for cash, after having given at least thirty days' notice of the time, place and terms of sale, in some newspaper published in such county.

Deed.

§ 2. Upon the payment of the purchase money, the auditor shall execute a deed under his hand and official seal, conveying to the purchaser all the right, title and interest of the state in and to such real property so sold.

§ 3. The proceeds from such sales shall be paid into the Proceeds. state treasury as revenue fund, less the expenses of sale; and the auditor, in his biennial report, shall give a detailed statement of the property sold, moneys received, and expenses incurred under this act.

APPROVED April 4, 1872.

RECORDERS OF DEEDS.

AN ACT to provide for the election of a recorder of deeds in counties having In force July 1,
sixty thousand and more inhabitants. 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be elected on the Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter, in all counties having sixty thousand and more inhabitants, a recorder of deeds. The said recorder of deeds shall enter upon the duties of his office on the first Monday in December after his election, and shall continue in office for and during the term of four years, and until his successor shall be elected and qualified.

Election—
term of office.

§ 2. The said recorder of deeds shall keep his office at the county seat of the county in which he is elected, and in such building and rooms as shall be provided for him by the board of supervisors of such counties; and it shall be the duty of the board of supervisors in such counties to provide all the necessary books, blanks and stationery for the use of the recorder of deeds, and also to provide suitable fire-proof buildings in which such books and records can be safely kept.

Office at county
seat.

§ 3. The recorder of deeds shall, before entering upon the duties of his office, take the oath provided by the constitution of the state of Illinois, faithfully to discharge the duties of the office of recorder of deeds, according to the best of his ability, and shall give a bond to the People of the State of Illinois, in the penal sum of five thousand dollars, with good and sufficient securities, to be approved by the county judge of the county in which said recorder is elected, conditioned for the faithful discharge of the duties of his office—which bond shall be filed and preserved in the office of the county treasurer.

Oath and bond.

§ 4. It shall be the duty of the recorder of deeds to re- Duties.
cord in a plain and legible hand-writing, in such books as

are provided for the purpose, all deeds, mortgages, plats of surveys, and other instruments of writing authorized by law to be recorded when presented for record, according to the time of the priority of presentation.

Indorsement
on instruments
received.

§ 5. Upon the presentation of any deed, mortgage, or other instrument of writing for record, the recorder shall indorse thereon the date of its presentation, and if the same be a mortgage, the precise time of day at which it was received by him. And if required, he shall give to the person presenting any instrument for record, a receipt therefor, naming in the receipt the parties to such instrument, and the nature of its contents; and when such deed or other instrument of writing shall have been recorded, the recorder shall indorse on the same the date when recorded, and also the number or letter of the book, and the page or pages of the book in which the same is recorded.

Seal of recorder

§ 6. The recorder of deeds shall procure a seal, at the expense of the county, and shall make for any person demanding the same, an exact copy of any record in his office, and shall certify the same to be a true copy, and shall affix his name and the official seal of his office to such certificate; and at the expiration his term of office he shall deliver to his successor all records and papers, and every species of property belonging to the said office, and take his receipt for the same.

Failure to per-
form duties—
penalties.

§ 7. If any recorder of deeds shall refuse to receive any deed or other instrument in writing presented to him for record (the legal fee for recording the same having been paid or tendered), or shall refuse to receipt therefor, or shall, without good excuse, neglect or refuse to record the same within a reasonable time, or shall demand and receive any greater fee for any service connected with his office than is allowed by law, or shall knowingly indorse on any deed, or other instrument of writing, a different date from that on which the same was presented for record, or a different date from that on which it was recorded, or if he shall either unlawfully or negligently allow any book, record, or other valuable thing connected with his office, to be defaced or destroyed, he shall be liable to a suit for damages on his official bond, at the instance and for the use of any person damaged by such negligent or willful misconduct, and he may also be indicted therefor, and if convicted on such indictment may be fined in any sum not exceeding five hundred dollars, for the use of the county, and he shall forthwith be removed from office by an order of the court in which such trial and conviction was had.

Fees and com-
pensation.

§ 8. In counties having a population of more than sixty thousand and not less than one hundred thousand inhabitants, where a recorder of deeds shall be elected under the provisions of this act, such recorders shall receive as their only compensation a salary, to be fixed by the county board

of their respective counties ; and the said county board shall also fix upon the amount to be paid for their necessary clerk hire, stationery, fuel and other expenses. And the said recorder of deeds shall charge, for recording all such instruments as are presented to them for record, only such fees as are provided by general law for recording the same in counties whose recorders of deeds are authorized by law to be elected ; and they shall semi-annually, under oath, make a report in writing to the county treasurer of their respective counties, of all fees and emoluments received by them ; and they shall, at the time of making such report, pay over to the respective county treasurers, for the use of the county, all moneys in excess of what they are entitled to retain as salary. The number of his deputies and assistants shall be determined by rule of the circuit court, to be entered of record ; and the compensation of such deputies and assistants shall be determined by the county board : *Provided*, said compensation shall be paid only out of, and shall in no instance exceed, the fees actually collected. And the recorder of deeds in Cook county shall charge for recording all instruments in writing, only such fees as are allowed by general law for recording in said county of Cook ; and he shall make a semi-annual report, under oath, to the county treasurer of said county, in writing, of all fees and emoluments received by him, and shall, at the time of making such report, pay over to the said treasurer, for the use of the county of Cook, all fees and emoluments received from his said office, above the amount which he is entitled to retain as salary : *Provided*, that in no county where a recorder of deeds shall be elected under the provisions of this act shall the compensation allowed to him, or his deputies and assistants, exceed the fees actually collected from said office.

§ 9. In all counties where a recorder of deeds shall be elected under the provisions of this act, and where clerks of courts are, at the time of such election, acting as *ex-officio* recorders of deeds, the clerks last named shall deliver over to the recorder of deeds, on the first Monday of December next after such election, all books, papers, documents and instruments of writing which will properly belong to the office of recorder of deeds, and shall take his receipt for the same.

Clerks of courts
to deliver books,
etc.

§ 10. If the office of recorder of deeds shall become vacant, by reason of death, resignation or removal, or from any other cause whatever, it shall be the duty of the county court of such county to appoint some suitable person to act as recorder of deeds until the next annual election, and such person so appointed shall take the necessary oath, and give the official bond required, the same as if he had been originally elected to such office.

Vacancies in
office.

APPROVED April 16, 1872.

RECORDS.

in force July 1, 1872. AN ACT to provide for the copying of old or damaged public record books.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any record book of deeds, mortgages, or other instruments, or any order book, docket, or fee book, records of wills, or records of settlements of administrators, executors or guardians, or any other book belonging to any county, which is required by law to be preserved in any public office of the county, for the use or inspection of the public, shall be so much worn, decayed, mutilated, or otherwise damaged, as to endanger the preservation of the records contained in any such book, it shall be lawful for the board of county commissioners or board of supervisors to cause any such book to be copied and transcribed into a new and well bound book, to be furnished as other record books are furnished.

To be transcribed. § 2. Said book or books, when so copied and transcribed, shall be carefully compared with the original book or books from which they were copied, by the person who shall have done the work, together with some other discreet and skillful person, and when said books are so copied and compared with the originals, the persons who have made such examination shall make an affidavit, which shall be incorporated in the book as copied, that said book, and each and every part thereof, is a true copy of the original book and each and every part thereof; that the matter of record which appears upon any page of the original appears also upon the same page of the copy; and that no matter of record appears upon any page of the copy which is not to be found upon the same page of the original.

To have force and effect as original. § 3. Any such new book into which said affidavit has been incorporated shall be, in all courts and places, as effectual for any and every purpose as the original record book; and it shall bear the same name or designation, and certified copies of any instrument copied into it, shall have the force and effect of certified copies of the original made from the original book.

Compensation. § 4. The board of county commissioners, or board of supervisors, may allow such compensation for copying and transcribing records under this act, to be paid out of the county treasury, as to them may seem reasonable, not exceeding the amount now authorized to be received for recording deeds and mortgages.

County court may authorize. § 5. In all cases where it is necessary, in any county not under township organization, to transcribe or copy any

books contemplated by this act, before a board of county commissioners is elected in such county, the county court of such county shall have power to cause the same to be done under the provisions of this act.

APPROVED March 26, 1872.

AN ACT to provide for re-recording deeds, mortgages and other instruments in writing, where the original records thereof have been destroyed, and to fix the fee for such re-recording. In force March 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases where the records of any county have been or shall hereafter be destroyed by fire or other casualty, it shall be the duty of the recorder of deeds of such county to re-record all deeds, mortgages or other instruments in writing, which may have been recorded or filed for record prior to the destruction of such records, together with the certificates of such original recording, that may be filed in his office for re-recording. And said recorder of deeds may charge and receive as a fee, for re-recording such deeds, mortgages and other instruments aforesaid, and the certificate of such recording, five cents for each hundred words or fractions thereof, and no more. And any recorder of deeds who shall charge a greater fee than the foregoing, or who shall refuse to re-record such instruments in writing, aforesaid, for the fee aforesaid, shall be deemed guilty of malfeasance in office, and subject to all the penalties prescribed by law for such offense. Duties of the recorder.

§ 2. That whereas the records of Cook county have recently been destroyed by fire, and many such instruments of writing are daily being filed for record, and the fee for re-recording the same has not been fixed by law, therefore an emergency exists, requiring immediate legislation on the subject: therefore, this act shall take effect and be in force from and after its passage. Emergency.

APPROVED March 1, 1872.

In force March 19, 1872. AN ACT to provide for the restoration of court records which have been lost or destroyed.

Petition under
oath.

Certified copy.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever the record of any judgment or decree, or other proceeding, of any judicial court of this state, or any part of the record of any judicial proceeding, shall have been or shall hereafter be lost or destroyed, any party or person interested therein may, on application by petition, in writing, under oath, to such court, and on showing, to the satisfaction of such court, that the same has been lost or destroyed without fault or neglect of the party or person making such application, obtain an order from such court, authorizing such defect to be supplied by a duly certified copy of such original record, where the same can be obtained—which certified copy shall, thereafter, have the same effect as such original record would have had, in all respects.

When certified
copy cannot be
obtained.

§ 2. That whenever the loss or destruction of any such record or part thereof shall have happened or shall hereafter happen, and such defect cannot be supplied, as provided in the next preceding section, any party or person interested therein may make a written application to the court to which such record belonged, verified by affidavit or affidavits, showing the loss or destruction thereof, and that certified copies thereof cannot be obtained by the party or person making such application, and the substance of the record so lost or destroyed, and that such loss or destruction occurred without the fault or neglect of the party or person making such application, and that the loss or destruction of such record, unless supplied, will or may result in damage to the party or person making such application; and thereupon said court shall cause said application to be entered of record in said court, and due notice of said application shall be given, as in chancery cases, that said application will be heard by said court. And if, upon such hearing, said court shall be satisfied that the statements contained in said written application are true, said court shall make an order, reciting what was the substance and effect of said lost or destroyed record—which order shall be entered of record in said court, and have the same effect which said original record would have had if the same had not been lost or destroyed, so far as concerns the party or person making such application, and the persons who shall have been notified, as provided for in this section. The record, in all cases where the proceeding was *in rem*, and no personal service was had, may be supplied upon like notice, as nearly as may be, as in the original proceeding. The court in which the application is pending may, in all cases in which publication is required, direct, by order or orders, to

be entered of record, the form of the notice, and designate the newspaper or newspapers in which the same shall be published.

§ 3. In case of the destruction by fire or otherwise of the records, or any part thereof, of any county court having probate jurisdiction, the judge of any such court may proceed upon his own motion, or upon application in writing of any party in interest, to restore the records, papers and proceedings of this court relating to the estate of deceased persons, including recorded wills and wills probated or filed for probate in said court; and for the purpose of restoring said record, wills, papers or proceedings, or any part thereof, may cause citations to be issued to any and all parties to be designated by him, and may compel the attendance in court of any and all witnesses whose testimony may be necessary to the establishment of any such record or part thereof, and the production of any and all written or documentary evidence which may be by him deemed necessary in determining the true import and effect of the original record, will, paper or other document belonging to the files of said court; and may make such orders and decrees establishing said original record, will, paper, document or proceeding, or the substance thereof, as to him shall seem just and proper; and such judge may make all such rules and regulations governing the said proceedings for the restoration of the record, will, paper, document and proceeding pertaining to said court, as in his judgment will best secure the rights and protect the interests of all parties concerned.

Judge of the
county court.

§ 4. That in all causes which have been removed, or shall hereafter be removed, to the supreme court of this state, a duly certified copy of the record of such cause remaining in the said supreme court may be filed in the court from which said cause was removed, on motion of any party or person or persons claiming to be interested therein; and the copy so filed shall have the same effect as the original record would have had if the same had not been lost or destroyed.

Causes removed to
supreme court.

§ 5. Whereas, by reason of the recent destruction by fire of the records of the courts of Cook county, a necessity exists for this act to take effect immediately: therefore, this act shall take effect and be in force from and after its passage.

Emergency.

APPROVED March 19, 1872.

In force April 19, 1872. AN ACT to remedy the evils consequent upon the destruction of any public records by fire or otherwise.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Whenever it shall appear that the records, or any material part thereof, of any county in this state, have been destroyed by fire or otherwise, any map, plat, deed, conveyance, contract, mortgage, deed of trust, or other instrument in writing affecting real estate in such county, which has been heretofore recorded, or certified copies of such, may be re-recorded; and in recording the same the recorder shall record the certificate of the previous record, and the date of filing for record appearing in said original certificate so recorded shall be deemed and taken as the date of the record thereof; and copies of any such record so authorized to be made under this section, duly certified by the recorder of any such county, under his seal of office, shall be received in evidence and have the same force and effect as certified copies of the original record.

Certified copies may be re-recorded.

§ 2. In any county of this state where the records have been burned or destroyed as specified in the last section, and any map, plat, deed, conveyance, contract, mortgage, deed of trust, or other instrument in writing affecting real estate in such county has been recorded in any other county of this state, certified copies of the same heretofore or hereafter made, may be recorded in such county where the records have been so burned or destroyed, and in recording the same the recorder shall record all certificates attached thereto; and if any of such certificates show the previous recording of the same in the county where the records have been burned or destroyed, the date of filing for record in such county appearing in said certificate so recorded shall be deemed and taken as the date of the record thereof; and copies of any such record so authorized to be made under this section, duly certified by the recorder of any such county under his seal of office, shall be received in evidence and have the same force and effect as certified copies of the original record.

Copies of instruments in United States court, or other states.

§ 3. Whenever in any court of record in this state, or any other state, or in any court of the United States, there are original or certified copies of any deed, conveyance, contract, mortgage, deed of trust, or other instrument in writing affecting real estate in such county, copies thereof certified by the clerk of such court, under his seal of office, may be made and recorded in such county where the records have been so burned or destroyed, and in recording the same the recorder shall record all the certificates attached thereto; and if any of such certificates show the previous recording of the same in the county where the records have been so

burned or destroyed, the date of filing for record in such county appearing in said certificate so recorded, shall be deemed and taken as the date of the record thereof. Copies of any such record so authorized to be made under this section, duly certified by the recorder of any such county, under his seal of office, shall be received in evidence and have the same force and effect as certified copies of the original record.

§ 4. Whenever the public record of any plat or map which is required by law to be kept by the recorder of deeds has been or may hereafter be injured or destroyed by fire or otherwise, it shall be the duty of the state's attorney of the county in which such injury, loss or destruction has occurred or shall occur, forthwith to file in the circuit court an information in the name of the People of the State of Illinois, setting forth substantially the fact of such injury, loss or destruction, with the circumstances attending the same, as near as may be, and thereupon the clerk of such court shall cause such information to be published in full in one or more public news papers published in such county, for the period of four weeks, together with a notice addressed to "all whom it may concern," that the court will, at a term therein designated, to be held not less than four weeks from the first publication of such information and notice, proceed to hear and determine the matters in said information set forth, and will take testimony for the purpose of reproducing and re-establishing such records of maps and plats as the court shall find to be injured, lost or destroyed. Upon such publication being made, all persons interested shall be deemed defendants, and may appear in person or by counsel, and be heard touching such proceedings. If the court shall be satisfied that any public record of maps and plats has been injured, lost or destroyed, an order to that effect shall be entered of record, and thereupon the court shall proceed to take testimony for the purpose of reproducing and re-establishing the record so injured, lost or destroyed. The proceedings may be continued from time to time, whether in term or not, and orders and decrees shall be made as to each map or plat separately. The clerk shall cause all maps and plats adjudged by the court to be correct copies of the records injured, lost or destroyed, as often and as soon as they are so adjudged, to be filed in the office of the recorder of deeds, with a certified copy of the order or judgment of the court in the premises attached thereto, and recorded in a book or books to be provided for that purpose. And the said record shall be deemed and taken in all courts and places as a public record, and as a true and correct reproduction of the original record so injured, lost or destroyed.

Duties of
state's attorney.

Publication of
notice, proceed-
ings.

§ 5. All costs and expenses incurred in the proceeding under the last preceding section, including copies of maps

Costs and ex-
penses.

and plats and recording of the same, shall be taxed as costs against the county in which such proceedings are had.

Copies to have same force and effect as originals.

§ 6. Whenever it shall appear that the records or any material part thereof of any county in this state have been destroyed by fire or otherwise, so that a connected chain of title cannot be deduced therefrom, copies duly certified by the proper officer, of all deeds, patents, certificates, plats and legal subdivisions of lands in such county in the custody or control of any officer of this state or the United States, may be recorded in the recorder's office of such county, and the record so made shall have the same force and effect as the record of the originals of such instruments.

United States land records.

§ 7. It shall be the duty of the county board of such county, as soon as may be, to procure from the United States authorities at Washington, Springfield or elsewhere, all maps, tract books or official entries or properly authenticated copies thereof as relate to any of the lands in such county, and cause the same to be recorded in the recorder's office of such county.

Copies, abstracts or minutes still existing.

§ 8. It shall further be the duty of the judge of the circuit court of the county, or the judges of the circuit and superior courts of Cook county, to examine into the state of the records in such county, and in case they find any abstracts, copies, minutes or extracts from said records existing after such destruction as aforesaid, and find that said abstracts, copies, minutes or extracts were fairly made before such destruction of the records, by any person or persons in the ordinary course of business, and that they contain a material and substantial part of said records, the said circuit judge of the county or the judges of the circuit and superior courts of Cook county, shall certify the facts found by them in respect to such abstracts, copies, minutes and extracts, and also (if they are of that opinion) that such abstracts, copies, minutes and extracts tend to show a connected chain of title to the land in said county; and upon filing such certificate of such circuit judge or the judges of the circuit and superior courts of Cook county, with the county clerk of the proper county, the county board may, with the approval of the judge of the circuit court of the county, or the judges of the circuit and superior courts of Cook county, purchase from the owners thereof such abstracts, copies, minutes or extracts, or such parts thereof as may tend to show a connected chain of title to the lands in such county, including all such judgments and decrees as form part of any such chain of title, paying therefor such fair and reasonable price as may be agreed upon between them and such owners. The amount thus agreed to be paid for said abstracts, copies, minutes or extracts shall be paid by such county in money or in bonds to be issued by such county, as the county board may determine; or such county board may, with said approval, procure a copy of said abstracts,

Purchase of abstracts, etc.

copies, minutes and extracts instead of the originals, to be paid for in like manner.

§ 9. Said abstracts, copies, minutes and extracts, or said copy thereof, if so bought as aforesaid, shall thereupon be placed in the recorder's office of such county, to be copied or arranged in such form as the county board shall deem best for the public interest, and in case the originals have been lost or destroyed, or not in the power of the party asking to use the same on any trial or other proceeding, copies of the same, or any part thereof, duly certified by the recorder of deeds of such county, shall be admissible as evidence in all the courts of law and equity in this state. And it shall be the duty of the recorder of deeds of such county to furnish to any and all parties requesting it (upon being paid the charges herein provided for), certified copies of the same, or parts thereof; and for the purpose of repaying the cost of the same to the county, the county board may fix a compensation, to be paid to the county in addition to the fees allowed by law to the recorder for transcribing the same. And in all cases in which any abstracts, copies, minutes and extracts, or copies thereof, purchased and placed in the recorder's office as aforesaid, or which are admissible in evidence under any of the provisions of this act, shall be received in evidence, under this act, all deeds or other instruments of writing appearing thereby to have been executed by any person or persons, or in which they appear to have joined, shall (except as against any person or persons in the actual possession of the lands or lots described therein at the time of the destruction of the records of such county claiming title thereto otherwise than under a sale for taxes or special assessments, and except also as against infants, persons of unsound mind, and married women claiming an interest or property in their own right other than right of dower,) be presumed to have been executed and acknowledged according to law; and all sales under powers, and all judgments, decrees and legal proceedings, and all sales thereunder (sales for taxes and assessments, and judgments and proceedings for the enforcement of taxes and assessments, excepted,) shall be presumed to be regular and correct, except as against the person and persons in this section before mentioned; and any person alleging any defect or irregularity in any such conveyance, acknowledgment, sale, judgment, decree or legal proceeding, shall be held bound to prove the same: *Provided*, that nothing in this act contained shall impair the effect of said destroyed records as notice.

To be placed
in recorder's
office.

Recorder to
furnish certified
copies.

§ 10. In case of such destruction of records, as aforesaid, any and all courts in such county having chancery jurisdiction shall have power to inquire into the condition of any title to or interest in any land in such county, and to make all such orders, judgments and decrees as may be

Courts of chan-
cery.

necessary to determine and establish said title or interest, legal or equitable, against all persons known or unknown, and all liens existing on such land, whether by statute, judgment, mortgage, deed of trust or otherwise.

Petition for
decree.

§ 11. It shall be lawful for any person claiming title to any lands in such county at the time of the destruction of such records, and for all claiming under any such person, to file a petition in any court in such county having chancery jurisdiction, praying for a decree establishing and confirming his said title. Any number of parcels of land may be included in one petition, or separate petitions may be filed as the petitioner may elect. Said petition shall state clearly the description of said lands, the character and extent of the estate claimed by the petitioner, and from whom, and when, and by what mode he derived his title thereto. It shall give the names of all persons owning or claiming any estate in fee in said lands, or any part thereof, and also all persons who shall be in possession of said land, or any part thereof, and also all persons to whom any such lands shall have been conveyed, and the deed or deeds of such conveyance shall have been recorded in the office of the recorder of deeds of such county, since the time of the destruction of such records as aforesaid, and prior to the time of the filing of such petition, and their residences, so far as the same are known to said petitioner; and if no such persons are known to said petitioner it shall be so stated in said petition. All persons so named in said petition shall be made defendants, and shall be notified of said suit by summons, if residents of this state, in the same manner as is now or may hereafter be required in chancery proceedings by the laws of this state: *Provided*, that the notice specified in section twelve of this act shall be the only publication notice required, either in case of residents, non-residents or otherwise. All other persons shall be deemed and taken as defendants, by the name or designation of "all whom it may concern." Said petition shall be verified by the affidavit of the petitioner, or by the agent of said petitioner; and the party so swearing falsely shall be deemed guilty of perjury and punished accordingly, and shall be liable in damages to any person injured by such false statement, to be recovered in an action on the case, in any court having jurisdiction thereof.

Defendants.

Duties of clerk.

§ 12. It shall be the duty of the clerk of the court in which said petition is filed, to enter, in a separate book or books to be kept for the purpose, the names of the petitioners and defendants, the date of filing said petition, and a description of all the lands included therein, which record shall be at all times open to the public. All lands in each separate town, addition, section or subdivision shall be entered on the same page or consecutive pages, with an index to said book or books, showing on what page any such

separate town, addition, section or subdivision may be found. Said clerk shall also, in all cases, cause publication of notice to be made of the filing of said petition, which notice shall be entitled "Land title notice," and shall be substantially as follows :

*A B, C D, etc., (here giving the names of all known defendants, if any),
and to all whom it may concern:*

TAKE NOTICE—That on the day of, A. D. 18.., a petition was filed Notice.
by the undersigned, in the court of county, to establish his title to the following described lands. (Here insert a full description of the lands in said petition.) Now, unless you appear at the term of said court, (naming the first term, after thirty days from the first insertion of said notice,) and show cause against said application, said petition will be taken for confessed, and the title or interest of said petitioner will be decreed and established according to the prayer of said petition, and you forever barred from disputing the same.

G P, *Solicitor.*

E F, *Petitioner.*

Said notice shall be published once a week for four weeks successively, the first insertion to be at least thirty days prior to said term of court, and the several publications shall all be in the same newspaper in said county, or if there is no newspaper published in said county, then in a newspaper published in one of the counties nearest thereto. The clerk of the circuit court of such county shall advertise for bids for publishing said notices, (said advertisement to be inserted one week in at least two of the principal newspapers in such county or the adjoining counties, to be selected by the judge or judges of the circuit court in said county,) and the publishing of said notices shall thereupon be awarded by said judge or judges to the newspaper making the lowest bid therefor; or if there are two or more making the same bid, then said judge or judges shall determine to which of them said publishing shall be awarded, said award to be by order of said court entered of record therein; and a copy of such order, certified by the clerk of said court under the seal thereof, shall be transmitted to and entered of record in any other court in such county having chancery jurisdiction before which proceedings under this section may be had. All publications provided for in this section shall be made in the newspaper so designated. Said newspaper shall not be changed unless the judge or judges of said court shall, for good cause, in their discretion, decide to change the same; in which case another paper shall be selected in like manner, and the order naming or changing said paper shall be entered of record as aforesaid.

Publication of
notices.

§ 13. Any person interested may oppose any such petition, and file his demurrer or answer thereto on or before the third day of the term of court named in said publication notice, unless the time be extended by order of court, and may also file a cross petition if he or she desires to do so. Said answer shall admit, confess and avoid or traverse all the material allegations of the petition, and shall, except when made by guardians *ad litem*, be verified by the affida-

Interested persons may oppose petition.

vit either of the respondent or his agent, in the same manner as above required on cases of the petition. Said answer shall have no other nor greater weight as evidence than the petition.

If no demurrer is filed.

§ 14. If no demurrer or answer shall be filed by the third day of said term, or by the day allowed by the order of said court, as above provided, the petition may be taken for confessed, and a decree entered according to the prayer of said petition, upon proof of the facts stated in said petition; but if any person shall file an answer, as aforesaid, to such petition, the court may hear evidence, or order a reference to a master in chancery or special commissioner, to take evidence and report, when the same proceedings shall be had as on a reference to a master in chancery under and according to the practice in courts of chancery in this state. If the petition includes more than one parcel of land, and no demurrer or answer shall be filed as to some of said parcels, the court may enter a decree, *pro confesso*, as to those parcels as to which no demurrer or answer shall be filed, and hear evidence, or order a reference as to the remaining parcels.

Court to decree title.

§ 15. It shall be competent for said courts, in all such decrees, whether *pro confesso*, or on the report of any master or special commissioner, or otherwise, to determine and decree in whom the title in any or all of the lands described in said petition is vested, whether in the petitioner or in any other of the parties before the court; but said decree shall not in anywise affect any lien or liens to which said fee may be subject, whether by mortgage, deed of trust, judgment, statute, mechanics' lien or otherwise, but shall leave all such liens to be ascertained or established in some other proceeding, or to be enforced, as the parties holding them may see fit. Any person having, at the time of such destruction of the records as aforesaid, any lien, by mortgage, trust deed or otherwise, upon any lands in such county, and having lost the proof thereof, and all parties claiming under any such person, may file a petition for the purpose of establishing the existence, conditions, character and extent of said lien. All persons known to the petitioner as having or claiming any interest or lien in or upon said lands shall be made defendants, by name, and the same proceedings shall be had as in the case of the petition above provided. The decree shall find the existence of such lien (if any exists), its condition, character and extent, and any lien so established may be enforced according to the terms thereof.

Lien or mortgage.

Decree to be binding and conclusive.

§ 16. Said decree of said court, when entered on either of the petitions above mentioned, shall be forever binding and conclusive, unless an appeal be taken during the term of the court at which the decree shall be rendered, or a writ of error shall be sued out within twelve months from the entry of said decree, in which case the final decree entered

in said cause shall be binding and conclusive as aforesaid from the entry thereof, except against minors and insane persons: *Provided*, that any decree entered on any petition filed more than three years after the destruction of such records as aforesaid, shall be subject to be opened, vacated or set aside on petition, appeal or writ of error, within two years after the entry of such decree: *And, provided, further*, that married women, insane persons and minors shall have two years after their disabilities are recovered to prosecute a writ of error from said decree: *Provided, further*, that any decree entered upon any petition or cross petition, which does not make defendant, by name, all persons who shall be in possession of such lands or any part thereof, at the time of the filing of any such petition, or which does not make defendant, by name, all persons to whom any such lands shall have been conveyed, and the deed or deeds of such conveyance shall have been recorded in the office of the recorder of deeds of such county since the time of the destruction of the records as aforesaid, and prior to the time of the filing of any such petition, shall be absolutely void after [as to] such person so omitted, but shall be final and conclusive as to all others, except those by this act excepted: *And, provided, further*, that in all decrees against infants, persons of unsound mind, or married women claiming property in their own right other than right of dower, the decree shall set forth the evidence upon which it is based; but this proviso shall not be so construed as to excuse the failure to preserve the testimony in other cases, in such manner as may be required by law: *And, provided, further*, that all defendants who shall not be actually served with a summons in the suit in which such decree may be rendered, shall have allowed to them one year after the entry of such decree within which, upon petition to the court rendering the same, to have the same decree vacated and set aside in the same manner as is now allowed to defendants under section fifteen, of chapter twenty-one, of the Revised Statutes, entitled 'Chancery.'

When decree
may be vacated.

§ 17. Whenever any deeds or other instruments, in writing, affecting the title to any of the lands in any such county, shall have been filed for record so short a time before such destruction of the records, as aforesaid, that no proof of them remains either on such records, or among the abstracts, copies, minutes or extracts specified in section eight of this act, it shall be the duty of the person or persons having filed the same or claiming the benefit thereof, within sixty days from the time this act takes effect, to refile for record such deeds or other instruments or copies thereof, or if that cannot be done, then he shall, within sixty days, make and file a petition to establish such deed or other instrument of writing, under the provisions of this act. In all cases when any original deed and the record thereof has been lost or destroyed, a duly certified copy of said record to

When no proof
of deeds, etc.,
exists.

cause the same to be recorded, which record shall have the same force and effect as now belong to the record of original deeds.

Tax deeds and
certificates.

§ 18. No tax deed or certificate of tax sale based on any proceedings, the record of which shall appear to have been destroyed as aforesaid, shall be received in any of the courts of this state as *prima facie* evidence of the regularity of such proceedings, but the burden of proof shall be upon the per[son] claiming under such deed or certificate to show the regularity and legality of all such proceedings; in order to sustain the validity of any tax deed or sale for any tax or taxes, assessment or assessments, in any county to which the provisions of this act are applicable, in any suit or proceeding whatsoever, it shall be necessary for the party relying upon any such deed or sale to show, affirmatively, that each and all of the provisions of law, in respect to assessment, levy, sale and deed of the lands affected or to be affected by any such deed or sale as aforesaid, have been in all respects complied with—and no presumption shall be indulged in favor of any such tax deed or sale; and it shall not be sufficient to show a collector's report, notice, judgment, order of sale, sale notice, notice of sale, tax affidavit, and deed, [anything] in this law or in any other law of this state to the contrary notwithstanding.

Executors and
administrators.

§ 19. Executors, administrators, conservators, guardians and trustees shall be entitled to proceed under this act in behalf of the interests and rights they represent.

Special com-
missioners.

§ 20. The judges of courts having chancery jurisdiction in such county shall have power to appoint as many special commissioners from time to time as they may deem necessary to carry out the provisions of this act, in addition to the masters in chancery of said courts, who shall be, *ex-officio*, such special commissioners, to take evidence and report all such petitions as may be referred to them. The fees of all masters in chancery, commissioners, clerks, sheriffs, and all officers and employees, for services under this act, shall not, in any case, exceed two-thirds of the fees now or hereafter provided by law for the same services.

Fees.

The word
"person."

§ 21. The word "person," when used in this act, shall include persons and all bodies politic and corporate.

Rules and
regulations.

§ 22. The rules and regulations governing courts of chancery in this state shall apply to the proceedings under this act so far as they are not inconsistent herewith.

Liens and in-
cumbrances.

§ 23. In all cases under the provisions of this act, and in all proceedings or actions now or hereafter instituted as to any estate, interest or right in or any lien or incumbrance upon any lots, pieces or parcels of land, where the original evidence has been destroyed or lost, or not in the power of the party wishing to use it on the trial, and the record thereof has been destroyed by fire or otherwise, the court shall receive all such evidence as may have a bearing on the case,

to establish the execution or contents of the records and deeds so destroyed, although not admissible as evidence under existing rules governing the admission of evidence: *Provided*, that the testimony of the parties themselves shall be received subject to all the qualifications in respect of such testimony which are now provided by law: *And, provided, further*, that any writings in the hands of any person or persons which may become admissible in evidence, under the provisions of this section or of any other part of this act, shall be rejected and not be admitted in evidence unless the same appear upon its face without erasure, blemish, alteration, interlineation or interpolation in any material part, unless the same be explained to the satisfaction of the court, and to have been fairly and honestly made in the ordinary course of business; and that any person or persons making any such erasure, alteration, interlineation or interpolation, in any such writing, with the intent to change the same in any substantial matter, after the same has been once made as aforesaid, shall be guilty of the crime of forgery, and be punished accordingly; and that any and all persons who may be engaged in the business of making writings or written entries concerning or relating to lands and real estate, in any county in this state, to which this act applies, and of furnishing to persons applying therefor abstracts and copies of such writings or written entries as aforesaid, for a fee, reward or compensation therefor, and shall not make the same truly and without alteration or interpolation, in any matter of substance, with the view and intent to alter or change the same in any material matter, or matter of substance, shall be guilty of the crime of forgery, and punished accordingly; and any and all such person or persons shall furnish said abstracts or copies as aforesaid, to the person and persons from time to time applying therefor, in the order of applications and without necessary delay, and for a reasonable consideration to be allowed therefor, which in no case shall exceed the sum of one dollar and fifty cents for each and every conveyance, or other like change of title, shown upon such abstract or copy; and any and all persons so engaged, and whose business is hereby declared to stand upon a like footing with that of common carriers, who shall refuse so to do, if tender or payment be made to him or them of the amount demanded for such abstract or copy, not exceeding the amount aforesaid, as soon as such amount is made known, or ascertained, or of a sum adequate to cover said amount, before its ascertainment, shall be guilty of the crime of extortion, and be punished by a fine of not less than one hundred dollars, and not exceeding one thousand dollars therefor, upon indictment in any court having jurisdiction thereof, and shall also be liable in an action on the case, or other proper form of action or suit, for any and all damages, loss or injury which any per-

Interlineation
or interpolation

son or persons applying therefor may suffer or incur by reason of such failure to furnish such abstract or copy as aforesaid.

Pending suits.

§ 24. Whenever it shall be made to appear in any court in which any suit or proceeding is now or hereafter may be pending that the originals of any deeds, other instruments of writing, or records in courts, relating to any lands, the title or any interest therein being in controversy in such suit or proceeding, is lost or destroyed, or not within the power of the party or parties to produce the same, and the records of such deeds or other instruments in writing or other records relating to or affecting such lands, is destroyed by fire or otherwise, it shall be lawful for any such party to offer in evidence any abstract of title made in the ordinary course of business prior to such loss or destruction, showing the title of such land, or any part of the title of such land that may have been made and delivered to the owners or purchasers or other parties interested in the land, the title or any part of the title of which is shown by such abstract of title.

APPROVED April 9, 1872.

REFEREES.

In force July 1,
1872.

AN ACT to provide for referees in common law causes.

Court to appoint

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in all common law causes in courts of record, after issue joined or default entered, it shall be competent for the court, upon agreement of the parties or their counsel, to appoint one or more referees, not exceeding three, who shall have authority to take testimony in such cause, and report the same in writing, together with their conclusions of law and fact, to the court, and the court shall have power to render judgment upon the filing of such report: *Provided*, either party may except to such report, and have his exceptions heard and determined by the court; and the court may, if necessary to take further evidence, refer the cause back to the referees, with instructions. Notice of the time of hearing such exceptions and taking of such further evidence, shall be given under such rules as the court may prescribe.

Witnesses.

§ 2. Witnesses may be required to attend and testify before such referees in the same manner as is or may be pro-

vided by law in cases before masters in chancery; and such referees shall have power to administer oaths to witnesses.

§ 3. Upon final hearing of the cause the court shall render judgment, and shall tax as costs against the unsuccessful party such fees, for the services of the referees, as shall, in the judgment of the court, be reasonable and proper, not to exceed five dollars per day: *Provided*, that whenever the parties to any such suit, or their counsel, shall, in writing, to be filed in court, agree upon a larger or less sum per day, then the court shall be authorized to tax as part of the costs in such case the per diem so agreed upon.

Judgment—
costs.

§ 4. All testimony taken before referees shall be subscribed by the witnesses, and the same, together with all exhibits and papers introduced in evidence, and the report of the referees, shall be included in and form a part of the record of the cause.

Testimony.

APPROVED February 3, 1872.

REFORM SCHOOL.

AN ACT to authorize the transfer of the boys in the Chicago Reform School to the State Reform School at Pontiac, and to provide for defraying the expenses of such transfer, and to authorize the courts of competent jurisdiction in the city of Chicago and in the county of Cook to sentence boys to the State Reform School at Pontiac.

In force March
15, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the governor of the state of Illinois is hereby directed to provide for the transfer and removal of all boys in the Chicago reform school, who are now undergoing any definite sentence of confinement therein, to Pontiac, where they shall be delivered to the custody of the proper officers of the State Reform School, who shall receive them, there to be kept in confinement, in accordance with the laws for the government of said State Reform School, and in accordance with the terms of the respective sentences under which they are now confined in the Chicago reform school: *Provided*, that none of the conditions under which any of said boys are now suffering confinement shall, in anywise, be impaired under this act.

Governor to
provide
transfer.

§ 2. The officers having the custody of the inmates of the Chicago reform school shall deliver to the officer receiving the said boys into the said State Reform School at Pontiac, certified copies of all papers and records connected with and authorizing the confinement of the said boys; and

Certified copies
of papers.

Expenses.

the said officers of the State Reform School are hereby authorized and required to hold in confinement, and at the proper time to discharge from confinement all of said boys herein required to be delivered to their custody, in strict conformity to the terms of commitment of the said boys of the Chicago reform school, as set forth in said certified copies of papers and records, and of all other legal records referring thereto. All expenses of the transfer of said boys from Chicago to Pontiac shall be paid by the city of Chicago. And hereafter the courts of competent jurisdiction in the city of Chicago and in the county of Cook, shall have the same authority to sentence juvenile offenders of the ages prescribed by law to the State Reform School at Pontiac, as is granted by law to other courts in this state.

Emergency.

§ 3. Whereas, in consequence of the great destruction of property in Chicago by fire, an emergency exists which requires the immediate removal of the boys from the Chicago reform school, and that this act shall take effect immediately: therefore this act shall take effect and be in force from and after its passage.

APPROVED March 15, 1872.

REVENUE.

In force March 22, 1872. AN ACT to provide for the collection of revenue, and for the sale of real estate for non-payment of taxes or special assessments for state, county, municipal, or other purposes.

County collectors *ex officio*.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county treasurer of each county in this state under township organization, and the sheriff in counties not under township organization, shall be, *ex-officio*, the county collector, and as such is hereby made, designated and authorized, as a general officer of his county, to receive and collect taxes or special assessments levied or assessed on property, under authority or by virtue of any law enacted by the general assembly of this state, which may be placed in his hands for collection, or returned to him as delinquent, in pursuance of this or any other act of the general assembly of this state.

Bond of sheriff.

§ 2. The sheriff of each county not under township organization shall, on or before the first day of April, eighteen hundred and seventy-two, give bond as *ex-officio* county collector, in such sum as may be determined and fixed by

the county court in the same manner and form, substantially, as is now required by law of the collector of taxes of such county, which bond, when given, shall be subject to all the requirements of the revenue laws of this state, relating to bonds of collectors of taxes, in counties not under township organization. The county collector's bond, required by this section, shall be held to cover all taxes and special assessments which may be placed in the hands of such county collector.

§ 3. The county treasurer, as county collector, of each county under township organization, to whom any delinquent taxes or special assessments are returned under this act (other than from town collectors, for which he has already given bond), shall enter into good and sufficient bond, to be approved by the county board or board of supervisors, to pay over and account to the proper authorities, officers or persons, all such delinquent taxes and special assessments: *Provided*, that if the county board or board of supervisors shall not be in session, such bond may be approved by the judge of the county court and the chairman of the county board or board of supervisors. Bond of treasurer.

§ 4. In counties not under township organization, town, city, and other collectors of taxes or special assessments, shall make return thereof, to the sheriff of the proper county, at the time and in the manner now prescribed by law for the return of delinquent taxes and special assessments; and such sheriff shall make application for judgment for delinquent taxes, at the July term of the county court, (after having given due notice of such application): *Provided*, that if from any cause return shall not be made to said sheriff in time to enable him to apply for judgment at said July term of said court, advertisement and application for judgment may be made at any subsequent regular term of said court. Said sheriff shall be held subject to all the provisions of the revenue laws of this state now in force, for failure or neglect of duty in regard to the advertisement, application for judgment and sale of the property on which such taxes are charged. Collectors to make returns.

§ 5. Sheriffs of counties not under township organization, and county treasurers of counties under township organization, shall respectively make settlement with and pay over to the proper officers, the moneys received by them under the provisions of this act, at the time and in the manner now provided by law, in their respective counties. Settlements.

§ 6. Collectors having the collector's rolls and warrants for the collection of taxes or special assessments, or both, for municipal or other purposes, shall at such time as may be determined by the legislative authority of any incorporated city, town or village, having the right to direct the time and manner of the return herein provided for, return to the sheriff or county treasurer, as the case may require, a List of delinquent real estate.

list of the real estate on which taxes or special assessments levied or assessed by such municipal or other authority, shall have become delinquent; and at such time as may be designated by said legislative authority of such city or incorporated town or village, it shall be the duty of the sheriff or county treasurer to advertise, apply for judgment, and when judgment is obtained, sell or offer for sale such delinquent real estate in the manner that real estate, delinquent for state and county taxes, is disposed of under the revenue laws of this state in force and applicable to the county in which such real estate is situated, but it shall not be required that the dates fixed in the revenue laws of this state shall be observed with respect to the returns required to be made to the sheriff or county treasurer as county collector under this section. But the relative times fixed and determined by said revenue laws for advertisement, judgment, sale and redemptions, shall be observed in all proceedings under this act, unless otherwise in this act provided.

Advertisement,
sales etc.

§ 7. The provisions of this act in relation to advertising, applying for judgment and making sales for delinquent taxes or special assessments, shall apply to all cases in which application shall have been made for judgment and order of sale prior to the passage of this act.

Unpaid taxes
of prior years.

§ 8. The amount of any tax or assessment due on any real estate and remaining unpaid for any prior year or years shall be added to the taxes of the current year, and the amount thereof shall be reported to said sheriff or county treasurer, with the amount of the taxes or assessments for the current year, and he shall advertise and sell such delinquent property as in other cases. Said additions and sales shall continue from year to year until such taxes or assessments shall have been paid by sale or otherwise.

Powers and du-
ties of collectors

§ 9. The county treasurer and sheriffs as county collectors, in the several counties, upon the return to them, as provided in this act, shall have all the powers and perform all the duties, in regard to the collection of the state, county and municipal taxes and assessments, and applying for and obtaining judgment and order of sale for taxes on delinquent lands and lots, and making sale thereof, and in all other matters pertaining to such taxes and assessments, as the treasurers of counties under township organization have as collectors of taxes for the several townships in their respective counties, and the county courts shall have like jurisdiction, and said collectors shall make like settlements and payments, and be entitled to the same compensation for their services, as such collectors are for the same services, and shall be subject to the same penalties for any failure to perform any such duty.

Returns of de-
linquent taxes.

§ 10. All returns of delinquent taxes and assessments, and all payments of such taxes and assessments after such return, shall be made to the county treasurer or sheriff as

county collector, at his office; and said county collectors shall collect and enforce the payment of all taxes and special assessments for municipal or other purposes, where a return thereof shall have been made to them as unpaid, in the same manner as county treasurers in counties under township organization are authorized to collect and enforce the payment of state and county taxes, under existing laws. And county courts shall have jurisdiction to hear any application for judgments and orders of sale made by any county treasurer or sheriff as county collector, to enable him to collect and enforce the payment of taxes and assessments which may have been returned to him in pursuance of this act; and such courts shall have like powers, and like proceedings may be had, as near as may be, as are by existing laws provided to be had on applications for judgments and order of sale for state and county taxes: *Provided, however*, that in the notices to be given of the intended application for judgment, the time when the sale will commence shall be fixed for the second Monday of the month succeeding the month at which such intended application for judgment and order of sale is to be made. The notices, proceedings and judgments for municipal taxes and assessments may have separate headings, indicating the lots or tracts of land taxed or assessed, and the municipal taxes and assessments and costs against such lot or tract, or where the description of the lot or tract is the same as assessed for state, county, town and municipal taxes and special assessments, the municipal taxes and special assessments may be attached thereto in separate columns, and indicated in the caption by general description; and if, from any defects in the proceedings, judgment cannot be obtained for the whole, or any part of the taxes or assessments, new proceedings may be had as to so much as judgment was not obtained for, to be collected with the next annual taxes. The statement, in writing (or return), made to any county treasurer or sheriff as county collector, under this act, shall, on the application for judgment, be *prima facie* evidence that all the requirements of the law have been complied with, in the levying of the taxes and assessments therein returned as unpaid, and in the making of such "return;" and also shall, on such application for judgment, be *prima facie* evidence that the taxes and assessment therein returned as unpaid, are due and unpaid.

§ 11. The county treasurers or sheriffs, as county collectors of the several counties, having received return of any unpaid taxes or assessments levied for municipal or other purposes, other than for state or county, shall keep a true account of all moneys by them collected on account thereof; and shall, as often as once in each month, and as often as once in each week, if demanded by the officers to whom the same may be payable, pay over the amounts col-

Account of
moneys received.

lected to the municipality or other authorities or persons entitled to receive the same; and upon sale having been made of such delinquent lands or lots, shall immediately make a final settlement, and pay over to the proper officers, authorities or persons, the full amount that shall then be in his hands, less his fees, which shall be the same as provided by law in case of state and county taxes.

Certificate of
purchase.

§ 12. No purchaser, or assignee of such purchaser of any land, town or city lot, at any sale of lands or lots for taxes or special assessments due, either to the state or any county or incorporated town or city within the same, or at any sale for taxes or levies authorized by the laws of this state, shall be entitled to a deed for the lands or lots so purchased, until he or she shall have complied with the following conditions, to-wit: Such purchaser or assignee shall serve, or cause to be served, a written or printed, or partly written and printed, notice of such purchase on every person in actual possession or occupancy of such land or lot, at least three months before the expiration of the time of redemption on such sale, in which notice he shall state when he purchased the land or lot, the description of the land or lot he has purchased, and when the time of redemption will expire. In like manner he shall serve on the person or persons in whose name or names such land or lot is taxed a similar written or printed notice, if such person or persons shall reside in the county where such land or lot shall be situated; and in the event that the person or persons in whose name or names the land or lot is taxed do not reside in the county, such purchaser shall publish such notice in some newspaper printed in such county; and if no newspaper is printed in the county, then in the nearest newspaper that is published in this state to the county seat of the county in which such lot or land is situated; which notice shall be inserted three times, the first time not more than five months, and the last time not less than three months before the time of redemption shall expire. Every such purchaser or assignee, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of this section, stating particularly the facts relied on as such compliance, which affidavit shall be delivered to the person authorized by law to execute such tax deed, and which shall by him be filed with the officer having custody of the record of the lands and lots sold for taxes and entries of redemption in the county where such lands or lots shall lie, to be by such officer entered on the records of his office, and carefully preserved among the files of his office, and which record or affidavit shall be *prima facie* evidence that such notice has been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury and punished accordingly. In case any person shall be compelled, under this section,

to publish a notice in a newspaper, then, before any person who may have a right to redeem such lands or lots from such tax sale shall be permitted to redeem, he or she shall pay the officer or person who, by law, is authorized to receive such redemption money, the amount paid for printer's fee for publishing such notice, for the use of the person compelled to publish such notice as aforesaid: *Provided*, that the fee for such publication, where the notice does not include more than four tracts or lots, shall not exceed four dollars; and when the notice contains more than four tracts or lots, then there shall be allowed fifty cents for each additional tract or lot contained in such notice.

§ 13. Real property sold under the provisions of this act may be redeemed at any time before the expiration of two years from the date of sale, by the payment, in legal money of the United States, to the county clerk of the proper county, the amount for which the same was sold, and twenty-five per cent. thereon, if redeemed at any time before the expiration of six months from the day of sale; if between six and twelve months, fifty per cent.; if between twelve and eighteen months, seventy-five per cent.; and if between eighteen months and two years, one hundred per cent. on the amount for which the same was sold. The person redeeming shall also pay the amount of all taxes and special assessments accruing after such sale, with ten per cent. interest thereon from the day of payment, unless such subsequent tax or special assessments has been paid by the person for whose benefit the redemption is made, and not by the purchaser at the tax sale, or his assignee: *Provided*, that if the real property of any minor heir, *feme covert*, or insane person, be sold for non-payment of taxes or special assessments, the same may be redeemed at any time after sale and before the expiration of one year after such disability be removed, upon the terms specified in this section, and the payment of ten per cent. per annum on double the amount for which the same was sold, from and after the expiration of two years from the date of sale—which redemption may be made by their guardians or legal representatives. Tenants in common, or joint tenants, shall be allowed to redeem their individual interest in real property sold under the provisions of this act, in the same manner and under the terms specified in this section for the redemption of other real property.

Redemption.

[§ 14.] Whereas there is now no general officer in many cities, and in counties not under township organization, having authority to receive state and county taxes, to whom a return of unpaid taxes and municipal and special assessments can be made, or who is authorized to sell real estate for the non-payment of such taxes and assessments, whereby an emergency has arisen, requiring this act to take effect immediately: therefore, this act shall take effect and be in

Emergency.

force from and after its passage, and until the object intended by this act can be obtained under a general revenue law, which may hereafter be enacted by the general assembly, after which this act shall be of no effect, except so far as proceedings may have been commenced under this act.

APPROVED March 22, 1872.

In force July 1,
1872.

AN ACT providing for the necessary revenue for state purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be raised, by levying a tax upon valuation on the taxable property in the state, the following sums for the purposes hereafter set forth:

For general
purposes.

For general state purposes, to be designated "Revenue fund," one million five hundred thousand dollars upon the levy of eighteen hundred and seventy-two; and fifteen hundred thousand dollars annually thereafter.

For interest
on state debt.

For the payment of interest on state debt, and interest on funds which the state is now required to pay by law, two hundred thousand dollars annually.

Governor and
auditor to com-
pute.

§ 2. The governor and auditor shall annually compute the separate rates per cent. as will produce the above amounts, and no more, anything in any other act providing for a different manner of ascertaining the amount of revenue to be levied for state purposes to the contrary notwithstanding; and when so ascertained the auditor shall certify to the county clerks such separate rate per cent.; also such definite rates for other purposes as is now or may be hereafter provided by law to be levied and collected as state taxes.

§ 3. All laws or parts of laws in conflict with this act are hereby repealed.

APPROVED April 9, 1872.

REVISED STATUTES.

AN ACT to repeal an act entitled "An act to amend chapter thirty, of Revised Statutes, entitled 'Bigamy,'" approved February 8th, 1853. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled "An act to amend chapter thirty, of the Revised Statutes, entitled 'Bigamy,'" approved February eighth, one thousand eight hundred and fifty-three, be and the same is hereby repealed.

APPROVED November 29, 1871.

AN ACT to amend chapter thirty, of the Revised Statutes, entitled "Criminal Jurisprudence," so as to prevent misfeasance in office, or charging or receiving illegal fees, and in giving or offering to give, or receiving or offering to receive, a bribe. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any officer who shall knowingly charge, collect or receive any greater fee for official services than is allowed by law, or who shall knowingly charge a fee for legal services where no fee is allowed by law, shall be fined for each item so charged, collected or received, not less than ten dollars nor exceeding one hundred dollars, to be sued for and recovered before any justice of the peace of the proper county, in an action of debt, in the name of the People of the State of Illinois, and for the use of the person against whom such fee is charged, or from whom the same is so received or collected. Illegal fees.

§ 2. If any officer, authorized by law to charge fees, shall charge, claim, demand or take any other or greater fee than such as is by law allowed to him for the services performed, or shall charge, claim, demand or take any fee when the services for which such fee is charged have not been performed by him, or some other person for him, he shall, in addition to the penalty now provided by law, be deemed guilty of a misdemeanor, and shall, on the first conviction thereof, be fined in any sum not less than twenty-five dollars and not more than two hundred dollars; and upon a subsequent conviction of a like offense he shall forfeit his office, and be imprisoned in the county jail for a term not less than thirty days nor more than one year. Penalty.

Bribes.

§ 3. If any person shall, directly or indirectly, give or offer to give any sum or sums of money, or any other bribe, present or reward, or any promise, contract, obligation or security for the payment of any money, present, reward or other thing, to any officer of any city or incorporated town or village, with intent to induce or influence such officer to appoint any person to office, or to execute any of the powers vested in him, or to perform any duty required of him, with partiality or favor, or otherwise than is required by law, or in consideration that such officer has appointed any person to any office, or has exercised any power vested in him, or has performed any duty required of him, with partiality or favor, or otherwise contrary to law, the person so giving or offering to give, and the officer so receiving or offering to receive, any money, bribe, present, reward, promise, contract, obligation or security, with intent and for the purpose aforesaid, shall be deemed guilty of bribery, and on conviction thereof shall be punished by confinement in the penitentiary, for a term not less than one year nor more than five years.

Penalty.

APPROVED April 9, 1872.

In force July 1, AN ACT to amend section seven, of chapter fifty-five, of the Revised Statutes of 1845, entitled "Jails and Jailers."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section seven, of chapter fifty-five, of the Revised Statutes of one thousand eight hundred and forty-five, entitled "Jails and jailers," be and the same is hereby amended so as to read as follows: "Every sheriff, jailer or other person to whose custody or keeping any person is committed, by virtue of any writ or process, or for any criminal offense, except on conviction of a felony, shall permit such person, at his or her will and pleasure, to send for and have any food, clothing, bedding or linen he or she may think fit for his or her comfort, without any manner of restraint, hindrance or detention, and without requiring him or her to pay for the right to have the same. But if any such sheriff, jailer or other person shall permit any such prisoner to send for or have any spirituous liquor, except when prescribed by some respectable physician as a medicine, such sheriff, jailer or other person shall, upon conviction, be fined not less than one hundred dollars nor exceeding five hundred dollars for each offense."

APPROVED April 4, 1872.

AN ACT to amend section four of chapter eighty of the Revised Statutes of In force July 1,
A. D. 1845, entitled "Paupers." 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section four of chapter eighty of the Revised Statutes of A. D. 1845, be amended, so as to read as follows: Chapter amend-
ed.

"When any non-resident, or any other person not coming within the definition of a pauper, shall fall sick or die in any county of this state, not having money or property to pay his board, nursing and medical aid, it shall be the duty of the overseer of the poor of the proper district, or if there be none, then of the nearest county commissioner of the county, upon complaint being made, to give or order to be given such assistance to such poor person as they may deem just and necessary; and if said sick person shall die, then the said overseer or county commissioner shall give or order to be given to such person a decent burial; and the said overseers or county commissioners shall make such allowance for board, nursing, medical aid, or burial expenses as they shall deem equitable, which allowance shall be laid before the county board, and the said court shall allow either the whole, or such reasonable and just part thereof as ought to be allowed, and order the same to be paid out of the county treasury." That all persons coming within the provisions of this section, who are killed or injured by any railroad company or corporation, manufacturing or mining establishment, company, association or corporation, whether such person be the employé of such railroad company or corporation, or manufacturing or mining establishment, company, association or corporation, or not, either by its, his or their agents, employes or servants, in the prosecution of the business of their employé, or by any engine, car, collision or explosion, or otherwise, by such railroad company, or by any machinery or explosion in any such manufacturing establishment or mines, or by the caving in, or damps in such mines, shall be properly cared and suitably provided for, and, in case of death, decently buried by said railroad company or corporation, manufacturing or mining establishment, company, association or corporation.

§ 2. In case of the neglect or refusal of any such railroad company or corporation, manufacturing or mining establishment, company, association or corporation to furnish such proper aid, assistance and burial, it shall and may be lawful for the proper county or township authorities or any other person or persons, to so furnish such aid, assistance and burial; and the authorities or other person so furnishing aid, assistance or burial, or in any way contributing

Railroad corporations to furnish aid.

thereto, may have a "right of action" against such railroad company or corporation, manufacturing or mining establishment, company, association or corporation, for the amount so expended by it, him, her or them, before any court having jurisdiction thereof: *Provided*, that in case of any suit brought by any such person (or, in case of their death, by their representatives) against such railroad company or corporation, manufacturing or mining establishment, company, association or corporation, for such injury or death, it may be lawful to give such expenditures and outlay in evidence in mitigation of damages.

Act to apply to
steamboats, etc.

§ 3. The provisions and liabilities of this act shall also apply, extend and attach to all steamboats, propellers, boats, vessels or stages, which are engaged in whole or in part in the conveyance of passengers for hire.

APPROVED March 1, 1872.

In force July 1, 1872. AN ACT to repeal certain acts and parts of acts therein named, relative to practice.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the following acts and parts of acts are hereby repealed:

Acts repealed.

Chapter eighty-three of the Revised Statutes of 1845, entitled 'Practice;' an act entitled "An act to amend the practice act," approved February 25, 1847; an act entitled "An act to amend chapter eighty-three, Revised Statutes, entitled 'Practice,'" approved February 8, 1853; an act entitled "An act to amend section twenty-three of chapter eighty-six of the Revised Statutes," approved February 16, 1857; section one of an act entitled "An act regulating practice in courts in certain cases," approved February 18, 1857; an act entitled "An act concerning judgment by confession," approved February 24, 1859; an act entitled "An act in relation to practice in the supreme court," approved February 4, 1859; an act entitled "An act to amend section two of chapter eighty-three of the Revised Statutes, entitled 'Practice,'" approved February 22, 1861; section two of an act entitled "An act to amend the ninth chapter of the Revised Statutes, entitled 'Attachments,'" approved February 22, 1861; an act entitled "An act regulating the practice in assessing damages," approved February 14, 1863; an act entitled "An act to permit the state charitable institutions to prosecute appeals and writs of error to the supreme court without giving bonds for costs," approved February 26, 1863; an act entitled "An act to amend the law allowing appeals to the supreme court," approved February

16, 1865; an act entitled "An act construing the part of section thirteen of chapter eighty-three of the Revised Statutes, entitled 'Practice,' so far as the same relates to the continuance of causes," approved March 6, 1867; an act entitled "An act to amend chapter eighty-three of the Revised Statutes, entitled 'Practice,'" approved March 5, 1869; an act entitled "An act to amend chapter eighty-three of the Revised Statutes of 1845, entitled 'Practice,'" approved March 26, 1869; an act entitled "An act in relation to practice in the supreme court," approved March 26, 1869: *Provided*, that all proceedings had and rights acquired under the acts and parts of acts hereby repealed, prior to the time this act takes effect, shall be and remain as valid and effectual in law as if such acts and parts of acts were not repealed.

APPROVED April 2, 1872.

ROADS AND BRIDGES.

AN ACT in regard to roads and bridges.

In force Aug.
15, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all roads within this state, which have been laid out in pursuance of any law of this state or of the late territory of Illinois, and which have not been vacated in pursuance of law, or used for ten years, and roads dedicated to public use, and recognized by the corporate authorities of any town or county, are hereby declared to be public highways.

Public high-
ways defined.

§ 2. Whenever any persons traveling with any carriages shall meet on any turnpike road or public highway in this state, the persons so meeting shall seasonably turn their carriages to the right of the center of the road, so as to permit each carriage to pass without interfering or interrupting, under the penalty of five dollars for every neglect or offense, to be recovered by the party injured: *Provided*, this section shall not be construed to apply to any case where it is impracticable, from the nature of the ground, to turn to the right of the beaten track.

Turn to the
right.

§ 3. No person owning any carriage, running or traveling upon any road in this state, for the conveyance of passengers, shall employ or continue in employment any person to drive such carriage who is addicted to drunkenness or the excessive use of malt, vinous or spirituous liquors.

Drivers of car-
riages.

Owner to discharge.

§ 4. If any driver, while actually employed in driving any such carriage, shall be guilty of intoxication to such a degree as to endanger the safety of the passengers in the carriages, it shall be the duty of the owner of such carriage, on receiving written notice of the fact, signed by any one of said passengers and certified by him on oath, forthwith to discharge such driver from his employment; and every such owner who shall retain or have in his employ, within three months after the receipt of such notice, any driver who shall have been so intoxicated, shall forfeit at the rate of five dollars per day for the time during which he shall keep such driver in his employment, after receiving such notice.

Fast driving.

§ 5. No person driving any carriage upon any turnpike road or public highway in this state, with or without passengers therein, shall run his horses or carriage, or permit the same to run upon any occasion, or for any purpose whatever; and every person who shall offend against the provisions of this section shall be fined not exceeding one hundred dollars.

Trains to be secured.

§ 6. It shall not be lawful for the driver of any carriage, used for the purpose of conveying passengers for hire, to leave the team attached thereto, while passengers remain therein, without first making such team fast with sufficient halter, rope, or chain, or by placing the lines in the hands of some other person so as to prevent their running; and if any such driver shall offend against the provisions of this section, he shall forfeit the sum of twenty dollars, to be recovered before a justice of the peace.

Liability of owner.

§ 7. The owner of every carriage, running upon any turnpike road or public highway, for the conveyance of passengers, shall be liable, jointly and severally, to the party injured, in all cases, for all injuries and damages done by any person in the employment of such owners as a driver, while driving such carriage, to any person or to the property of any person; and whenever the act occasioning such injury or damage be willful, negligent or otherwise, in the same manner as such driver would be liable.

The term "carriage."

§ 8. The term "carriage," as used in this act, shall be construed to include stage coaches, wagons, carts, sleighs, sleds, and every other carriage or vehicle used for the transportation of passengers and goods, or either of them.

Hackney carriages.

§ 9. Nothing contained in this act shall interfere with or affect any law concerning hackney coaches or carriages in any of the cities or incorporated villages or towns of this state, nor interfere with nor affect the laws or ordinances of any such city or incorporated village or town for the licensing or regulating such coaches or carriages.

Guide boards and mile-stones.

§ 10. For destroying or defacing any guide board, post or mile-stone, or any notice or direction put up on any

bridge or otherwise, the offender shall forfeit a sum not less than three nor more than fifty dollars.

§ 11. If any person shall injure or obstruct a public road by falling a tree or trees in, upon or across the same, or by placing or leaving any other obstruction thereon, or by encroaching upon the same with any fence, or by plowing, or digging any ditch or other opening thereon, or by turning a current of water so as to saturate or wash the same, or shall leave the cuttings of any hedge thereupon, for more than five days, shall forfeit for every such offense a sum not exceeding ten dollars, and an additional sum of not exceeding three dollars per day for every day he shall suffer such obstruction to remain after he has been ordered to remove the same by any of the commissioners of highways or any member of the county board: *Provided*, this section shall not apply to any person who shall lawfully fall any tree for use, and will immediately remove the same out of the road, nor to any person through whose land a public road may pass, who shall desire to drain his land, and shall give due notice to the commissioners of such intention: *And, provided, also*, that any commissioners or overseers of highways, after having given reasonable notice to the owners of the obstruction, or person so obstructing such road, may remove any such fence or other obstruction, and recover the necessary cost of such removal from such owner or other person obstructing such road aforesaid.

Injuries and obstructions to public roads.

§ 12. If any person shall ride, lead or drive any wagon, carriage, dray, cart or other vehicle or conveyance, or any horse, mare, mule or ox, or any other animal, faster than a walk, or shall intentionally drive more than thirty head of cattle, mules or horses at a time, over, on or across any bridge on a public road, upon which the commissioners of highways have erected the proper notice, (according to the provisions of this act, within the limits of this state, he shall forfeit and pay for each offense the sum of five dollars.

Fast driving across bridges.

§ 13. If any person shall purposely destroy or injure any public bridge, culvert or causeway, or remove any of the timber or plank thereof, or obstruct the same, he shall forfeit a sum not less than three dollars nor more than one hundred dollars, and shall be liable for all damages occasioned thereby, and all necessary costs of rebuilding or repairing the same.

Injury to bridges.

§ 14. Justices of the peace shall have jurisdiction in all cases arising under this act, where the penalty does not exceed their jurisdiction.

Jurisdiction of just. ces.

§ 15. All suits for the recovery of any penalty under this act shall be brought in the name of the People of the State of Illinois, upon the complaint of any person.

Suits.

§ 16. All fines recovered under the provisions of this act, unless otherwise hereinafter provided, shall be paid over to the commissioners of highways of the town or road

Fines.

district where the offense is committed, to be expended upon the roads and bridges in the town or road district.

Shade trees.

§ 17. It shall be lawful for the owners or occupants of land bordering upon any public road to plant shade and ornamental trees along and in such road, at a distance not exceeding one-tenth of the legal width of the road from its margin; and also to erect and maintain a fence, so long as shall be actually necessary for the purpose of raising a hedge on said margin, a distance of four feet from and within said marginal line or lines.

Private crossings under highways.

§ 18. Any person owning, using or occupying lands on both sides of any public highway, shall be entitled to the privilege of making a crossing under said highway for the purpose of letting his cattle and other domestic animals cross said road: *Provided*, said person shall erect at his own expense, a good and substantial bridge, with secure railing on each side thereof, and build an embankment of easy grade, not to exceed a rise of one foot in ten on either side of said bridge; said bridge not to be less than sixteen feet wide, and to be approved by the commissioners of highways of the town or road district in which the bridge is built, and the same to be kept constantly in good repair by the owner or occupant of said land, subject to their direction: *And, provided, further*, that in case such crossing is made on any water way or natural channel for water, and where a culvert or bridge is maintained or required for road purposes, said owner or occupant shall not be required to pay for or construct any more of said crossing than the additional cost of such crossing, over and above the necessary cost of a suitable culvert or bridge for road purposes at such place. And where any bridge on a public road is constructed over a stream or body of water, where the depth or current of water or the nature of the bank or banks of such stream or body of water is such as to render a fence on the marginal line of the public road impracticable or very expensive to construct and keep in repair, the owner of the land bordering on the public road shall have the right to connect the road fence on either or both banks of the stream or body of water, to said bridge or any pier or abutment thereof, or to any embankment or timber approach to said bridge: *Provided*, that no necessary ford across said stream or body of water shall be permanently obstructed thereby: *And, provided, further*, that any such connecting fence shall be constructed by the consent and under the direction of the commissioners of highways of the town or road district in which the bridge may be located.

Vacation of streets and alleys.

§ 19. The county board of any county in this state, upon the petition of the owner or owners of the adjoining property, shall have power to vacate any street or alley, or part thereof, in any unincorporated town or village, or addition thereto, within such county. No such vacation shall take

effect until a copy of the order therefor, certified by the county clerk, shall be filed for record and recorded in the recorder's office of the county in which the street or alley is located; the cost of such vacation and record shall be paid by the petitioners.

§ 20. Before the county board shall act upon such petition, the petitioners shall give notice of the time and place of presenting the petition, by posting notices in three of the most public places in the town, road district or village where such street or alley is situated, four weeks previous to the time of presenting the petition, and give evidence to the county board of such posting by the affidavit of the person posting the same. Notice of petition.

§ 21. On the vacation of any street, alley or road, the title to the same shall vest in the owners of the adjoining lands; the owners on either side taking to the center of the street, alley or road vacated: *Provided*, that in case such street, alley or road was taken from the lands on either side thereof, in different proportions, the same shall vest in the owners of the adjoining lands in the same proportion in which the same was so taken. Title to vacated lands.

§ 22. In counties not under township organization each congressional township or fractional township which is or may hereafter be established a township for school purposes and for the election of the trustees of schools, shall be a district for road purposes: *Provided*, that in cases where the county line between adjoining counties divides a congressional township, and one county is and the other is not under township organization, that part of the congressional township so divided, lying within the county not under township organization, may be by the county board of said county attached to some adjoining congressional township (or fractional township) of said county, for the purposes of this act. Road districts.

§ 23. The county board in counties not under township organization shall, on or before the twentieth day of August next, appoint three commissioners of highways, who shall be residents of the road district for which they shall be appointed, for each road district in their respective counties as designated in this act, who shall hold their office until their successors shall be elected and qualified according to the provisions of this act. Commissioners of highways appointed.

§ 24. In counties not under township organization, there shall be elected in each road district, in the year of our Lord eighteen hundred and seventy-three, at the same time and place of holding the election for trustees of schools in such congressional township, three commissioners of highways, one of whom shall hold his office for one year, one for two years, and one for three years, to be determined by lot at their first meeting after their election, and entered upon their records; and in each year thereafter, at the same time and place of holding the election for school trustees, Election of commissioners.

one commissioner of highways shall be elected for the term of three years, and until his successor is elected and qualified. The election shall be conducted by the same judges that act as such at the election of school trustees.

Commissioners in townships. § 25. In towns under township organization there shall be elected at the annual town meeting in each year, as heretofore, one commissioner of highways, who shall hold his office for the term of three years, and until his successor is elected and qualified.

Qualifications. § 26. No person shall be elected or appointed to the office of commissioner of highways unless he shall be an elector, and have resided in the town or district one year next preceding his election, and no commissioner of highways shall be at the same time one of the town board of auditors, or in any such capacity audit or assist in auditing any account or bill in which he is or has been directly or indirectly interested.

To take oath. § 27. Every person elected to the office of commissioner of highways, before he enters upon the duties of his office, and within ten days after he shall be notified of his election, shall take and subscribe, before some justice of the peace, the official oath or affirmation prescribed by the constitution, which in counties not under township organization shall be filed with the county clerk, and in counties under township organization with the town clerk.

Vacancies in office. § 28. Vacancies in the office of commissioner of highways shall be filled by election: *Provided*, that a vacancy shall be filled by the remaining commissioners until the next election of commissioners after the vacancy shall occur.

Powers of commissioners. § 29. The commissioners of highways shall have power to enter into contracts in all matters within their jurisdiction, and in counties not under township organization may sue and be sued; in counties under township organization all suits concerning highways shall be in the name of the town, except as otherwise provided by law.

Clerk—duties. § 30. At the first meeting of the commissioners of highways, which shall be within ten days after they shall have been elected and qualified, they shall proceed to choose one of their number clerk, whose duty shall be to keep a record of all proceedings of said board of commissioners, and perform such other duties as pertain to his office.

Treasurer—duties. § 31. They shall, at the same time, choose one of their number treasurer, who shall receive and have charge of all moneys raised in the town or road district for the support and maintenance of roads and bridges. He shall hold such moneys at all times subject to the order of the commissioners of highways, and shall pay them over upon their order, or on the order of a majority of said commissioners, and not otherwise. He shall execute bond in double the amount that will probably come into his hands during the year, by

virtue of his office, payable to the People of the State of Illinois, for the use of such town or road district, with sufficient security, to be fixed and approved by the county clerk in counties not under township organization, and by the supervisor of the township in counties under township organization, conditioned for the faithful discharge of his duties as such treasurer, and that he will honestly and faithfully account for and pay over, upon the order of the commissioner of highways, all moneys that shall come into his hands by virtue of his said office. Said treasurer shall, for his services as treasurer, be allowed to retain two per centum on all moneys that he shall receive and pay out, except such moneys as may be paid over by him to his successor in office.

§ 32. The commissioners of highways, in their several towns and road districts, shall have the care and superintendence of highways and bridges therein, and it shall be their duty—

Duties of the
commissioners.

First—To repair roads and bridges in their respective towns and road districts, and to cause the building of bridges therein, when the public interest or necessity require it.

Second—To lay out and establish roads, to regulate the public roads therein, and to alter or vacate such roads as they, or a majority of them, shall deem proper, as hereinafter provided.

Third—To cause such roads used as highways as have been laid out or dedicated, but not sufficiently described, and such as have been used and recognized as public roads for twenty years, but not recorded, to be ascertained, described and entered of record in the office of the town clerk, or in the office of the county clerk in counties not under township organization, and to cause to be re-surveyed, plated and entered of record all roads in their respective towns or road districts, where the records of the surveys and plats of the same have been or may hereafter be lost or destroyed; and copies of all such re-surveys, plats and records hereby authorized to be made under this section, duly certified by the town or county clerk, as the case may be, shall be received in evidence, and have the same force and effect, as the original surveys, plats and records.

Fourth—To cause all highways, and all bridges over streams on highways, to be kept in repair, and to see that persons working or repairing the highways leave undisturbed all stones or other monuments marking sectional and other corners, which may be in the public roads worked or repaired by them.

Fifth—To take possession of and keep all scrapers, plows, and other tools belonging to their towns and road districts, wherever the same may be found, and not allow

the same to go to waste, and not to lend the same, except to persons employed by them to work on the roads by contract or otherwise.

Sixth—To purchase for use upon highways such necessary tools, implements and machinery as they may think proper.

Seventh—To collect all fines and commutation money.

Eighth—To cause to be erected and kept in repairs, at the forks or crossing place of the most important public roads, a post and guide boards, with plain inscriptions thereon in letters and figures, giving directions and distances to the most noted places to which such road may lead; to prevent thistles, burdock, cockle-burs, mustard, yellow-dock, Indian mallow, jimson weed (*Stramonium durata*) from seeding, and to extirpate the same so far as practicable, and to prevent all rank growth of vegetation in the public highway, so far as the same may obstruct public travel; and the said commissioners may, in their discretion, sink and construct wells, with a suitable pump or other suitable fixture, and a water trough attached thereto, not exceeding five in any district or town, and keep the same in repair, for public use for watering teams, at the intersections of the most important roads in their towns or road districts; and they may also adopt any other suitable and convenient mode of supplying water in troughs conveniently situated on the public highways for public use, at other points than at such intersections; and the cost of such improvements shall be paid out of the road and bridge funds of such town or road district.

Ninth—To cause boards to be placed upon the bridges of more than fifty feet span, across the principal streams in their respective towns and road districts. Said boards shall be elevated, so as to be easily seen by travelers, and on each side of said board shall be printed, in capital letters, the words "Five dollars fine for leading or driving any beast faster than a walk, or driving more than thirty head of cattle, mules or horses at a time, on or across this bridge."

Tenth—To remove fallen timber or any other obstruction from, and repair injuries to, roads and bridges, caused by any person, and to prosecute for and recover the cost thereof, in all cases where any person shall be liable therefor.

Eleventh—To assess and collect the poll-tax, as hereinafter provided.

Twelfth—To assess, annually, upon the real and personal property in their respective towns and road districts, as hereinafter provided, a tax not exceeding forty cents on a hundred dollars, assessed valuation, by the last county assessment: *Provided*, that the tax on property lying within any incorporated village, town or city, in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to

be appropriated to the improvement of roads, streets and bridges where such tax is collected, as the corporate authorities may desire it.

§ 33. Commissioners of highways, in counties under township organization, shall render to the board of town auditors, at their annual meeting for auditing the accounts of town officers, and in counties not under township organization to the county board, an account in writing, stating :

Annual account of commissioners.

First—The amount of real estate and personal property tax received by them.

Second—The sums received by them on account of poll tax.

Third—All sums received by them for fines and commutations.

Fourth—The amount received by them from all other sources.

Fifth—The amount expended by them for all purposes, specifying by items the date, purpose and amount of each expenditure, and to whom paid.

Sixth—The names of all persons assessed for poll tax.

Seventh—The names of all persons who have paid or worked out their poll tax.

Eighth—The names of all persons who have been fined, and the sums which they have been fined, and what fines remain unpaid.

§ 34. The board of auditors or county board may require such accounts to be verified by the oath or affirmation of the commissioners.

To be verified by oath.

§ 35. The accounts of the commissioners of highways, approved by the auditors or county board, shall be so certified ; those rejected shall be so marked.

Approved and rejected.

§ 36. The accounts so audited, including those rejected, shall be delivered to the town or county clerk, as the case may be, to be kept by him on file for the inspection of any of the inhabitants of the respective towns and road districts.

To be filed for inspection.

§ 37. In counties not under township organization a copy of the accounts so audited shall be retained by the clerk of the highway commissioners, and produced by him, at the next annual meeting in the road district, and there read by one of the commissioners of highways for the information of the inhabitants of said road district.

To be retained by clerk.

§ 38. At the annual town or road district meeting, the commissioners shall make a written statement of the improvements necessary to be made on the roads and bridges in their town or road district, during the next ensuing year, and an estimate of the probable expense of making the same.

Statement of improvements.

§ 39. They shall also make a written estimate of the probable income from poll tax, and such real and personal tax as they are authorized by law to levy.

Income from poll tax.

Town meetings. § 40. In counties under township organization, all road matters shall be acted upon at the same time as other town matters, and in counties not under township organization, at two o'clock in the afternoon, at which time the voters present in the road district may elect one of their number chairman.

Notices for elections. § 41. If the commissioners of highways, or any three legal voters, shall give notice by posting notices in at least three of the most public places in the town or road district at least ten days before the annual meeting, that a larger amount of money will be required for the purpose of constructing or repairing roads or bridges in their town or road district, than can be realized from the poll tax, and real and personal property tax authorized by law to be assessed by the commissioners, the legal voters present at such meeting may authorize an additional amount to be raised by tax, not exceeding sixty cents on each one hundred dollars valuation.

Estimate of annual tax. § 42. The highway commissioners of each town and road district shall annually ascertain, as near as practicable, how much money must be raised by tax on real and personal property, for highway purposes, during the ensuing year; and they shall, in counties under township organization, give to the supervisor of the township, and in Cook county to the county board, a statement of the amount necessary to be raised—signed by a majority of said commissioners—on or before the Tuesday next preceding the annual September meeting of the board of supervisors, who shall cause the same to be submitted to said board for their action at such September meeting of said board. And in counties not under township organization, said amount required to be raised, with a list of the resident taxpayers, alphabetically arranged, shall be certified and returned to the county clerk, on or before the first Monday in September in each year: *Provided*, that if the amount to be raised is determined by a vote at the town or road district meeting, that fact and amount shall be so certified and returned as aforesaid.

County clerk to extend tax. § 43. According to the amount certified as aforesaid, the county clerk, when making out the tax books of state and county taxes for the collector, shall extend the necessary tax in a separate column against each taxpayer's name, or taxable property, as other taxes are extended, which shall be collected the same as state and county taxes.

Certificate of amount of tax. § 44. It shall be the duty of the county clerk to make out and deliver on demand, to the treasurer of the commissioners of highways, a certificate of the aggregate amount of tax so levied and placed upon the tax books.

To whom paid. § 45. The tax so collected shall be paid to the treasurer of the commissioner of highways, by the collector or sheriff,

as the case may be, as fast as the same is collected, except such rate per cent. as shall be allowed for collecting the same.

§ 46. The commissioners of highways shall, on or before the first day of May in each year, make out and deliver to their treasurer a list of able-bodied men in their town or district, between the age of twenty-one and fifty years, and shall assess against each person upon such list the sum of two (2) dollars, as a poll tax, for highway purposes, to be paid to such treasurer by the first Monday in July of each year. List of tax-payers.

§ 47. Within thirty days after such list is delivered to such treasurer, he shall cause written or printed notice to be given to each person so assessed, notifying him of the time when, and place where, such tax must be paid, or its equivalent in labor performed. Notice to tax-payers.

§ 48. If the amount so assessed shall not be paid nor the labor performed by the first Monday of July in such year, or within ten days after notice—if notice is given after that time—it shall be the duty of the treasurer to bring suit therefor against such person, before some justice of the peace having jurisdiction—if in a county under township organization, in the name of the town, or if in a county not under township organization, in the name of the commissioners of highways. Suits for road taxes.

§ 49. The commissioners of highways may alter, widen or vacate any road, or lay out any new road in their respective town or road district, when petitioned by any number of freeholders not less than twelve (12), residing within three miles of the road so to be altered, widened, vacated or laid out. Said petition shall set forth, in writing, a description of the road, and what part thereof is to be altered, widened or vacated, and if for a new road, the names of the owners of lands, if known, and if not known it shall be so stated, over which the road is to pass, the points at which it is to commence, its general course, and the place at or near where it is to terminate. Petition for altering or laying out roads.

§ 50. Whenever any such number of freeholders determine to petition the commissioners of highways for the alteration, widening or vacation of any road, or laying out any new road, they shall cause a copy of their petition to be posted up in three of the most public places in the town or road district, in the vicinity of the road to be laid out, altered, widened or vacated, at least ten days before any action shall be had in reference to such petition. The posting of any notice required by this act may be proved by the affidavit of the person posting the same, or by other legal evidence. Petition to be posted.

§ 51. Whenever the commissioners of highways shall receive any such petition, with proof of the posting of copies, Meeting of commissioners.

as in the next preceding section specified, they shall fix upon a time when and where they will meet to examine the route of such road, and to hear reasons for or against the altering, widening, vacating or laying out of the same—which meeting shall be within fifteen days of the time of receiving such petition; and they shall give at least ten days' notice of the time and place of such meeting, by posting up notices in three of the most public places in the township or road district, in the vicinity of the road to be widened, altered or vacated. The commissioners may, by public announcement and by the posting of a notice at the time and place named for the first meeting, adjourn the meeting from time to time, but not for a longer period than twenty days in all; and shall at the first, or such adjourned meeting, within said twenty days, decide and publicly announce whether they will grant or refuse the prayer of the petition, and shall indorse upon or annex to the petition a brief memorandum of such decision, to be signed by the commissioners. Such decision shall be subject to revocation, in case the prayer of the petition is granted, in the manner hereinafter provided. In case the commissioners refuse to grant the prayer of the petition, they shall within ten days thereafter file the same so indorsed, or with such decision annexed thereto, in the office of the proper town or county clerk, as the case may be.

When for vacation of a road.

§ 52. If the petition is simply for the vacation of a road, and the commissioners of highways, or a majority of them, shall, at such meeting, decide that the prayer of the petitioners should be granted, they shall order such road to be vacated—a copy of which order, together with the petition, shall be by them filed with the county clerk of the proper county, in counties not under township organization, and recorded by such clerk in a book provided for that purpose; but in counties under township organization they shall file a copy of such order, together with the petition, with the town clerk, such order to be so filed within ten days after the date of such decision.

When for laying out or altering a road.

§ 53. If such petition is for the establishment of a new road, or the alteration or widening of an existing road, and the commissioners of highways, or a majority of them, shall be of the opinion that the prayer of the petitioners should be granted, they shall cause a survey and a plat of such road to be made by a competent surveyor, who shall report such survey and plat to said commissioners, giving the courses and distances, and specifying the land over which such road is to pass—in which they may make such changes between the termini of the road described in the petition as the convenience and interest of the public, in their judgment, may require. They shall also, before they order any road to be established, altered, widened or

vacated, ascertain the aggregate amount of damages which the owner or owners of the land over which such road is to pass shall be entitled to, by reason of the location, alteration or vacation of such road : *Provided, however,* that in case an appeal is taken from the assessment of damages before the justice of the peace, the commissioners may, in their discretion, make an order laying out, widening, altering or vacating such road, either before or after such appeal is determined, in the manner hereinafter provided.

§ 54. The damages sustained by the owner or owners of the land, by reason of the establishment, alteration, widening or vacation of any road, may be agreed upon by the owners of such lands, if competent to contract, and the commissioners of highways, or they may be released by such owners—in which cases the agreement or release shall be in writing, and shall be filed and recorded with the copy of the order establishing or altering such road, and shall be a perpetual bar against such owners, their grantees and assigns, for all further claims for such damages.

Damages to
owners of land.

§ 55. In case such damages are not released or agreed upon, as in the preceding section specified, the commissioners of highways shall, within twenty days from the date of the meeting at which it was decided to grant the prayer of the petition, make a certificate that they are about to establish, widen, vacate or alter a public road, describing such road, vacation, widening or alteration, and the land over or on which such road is to be established, altered, widened or vacated, and naming the owners of such land, if known, and if not known, stating that fact, and asking for a jury to assess the damages of such owners; and shall present such certificate to some justice of the peace of the county, who shall summon a jury of six persons in the manner hereinafter provided, having the qualifications of jurors, to appear before such justice of the peace at a time to be fixed by him, within ten days from the time such certificate was presented to him, to assess such damages. The commissioners of highways shall also notify each and every owner of land—if known, and a resident of the county—whose damages are to be assessed, that they will apply to some justice of the peace of the county (giving the time when and the place where) to have a jury impaneled to assess such damages. Upon the presentation of such certificate by the commissioners of highways, the justice of the peace shall forthwith name eighteen (18) persons having the qualifications of jurors, and who shall also be freeholders, one-third of whom shall not be residents of the town or road district in which the proposed road is located. The commissioners of highways shall have the right to strike from such list of names the names of six of such persons named; and the owners of the lands whose damages

Jury to assess
damages.

are to be assessed, or their authorized agent or agents, shall also have the right to strike from such list the names of six other persons; and the six persons whose names still remain on said list, shall comprise the jury to assess such damages: *Provided*, that if the commissioners of highways and the owners of lands shall fail to strike from such list the names of twelve persons, the justice of the peace shall select from the names still remaining, the six persons to constitute said jury. At the trial of the case, either party shall have the right of challenge for cause, and for that only; and any deficiency in the number of jurors, from whatever cause, shall be supplied by summoning other persons residing in the township or road district, or in an adjoining township or road district. Such justice of the peace shall notify the owners of such land mentioned in such certificate to appear at the same time before such justice to prove their damages. In case it shall appear either from the certificate of the commissioners, the affidavit of any person, or the return of any officer to whom the notice may be delivered for service, that there is any unknown owner or owners who cannot be found and served within the county, such justice shall also cause notices to be posted in three of the most public places in the vicinity of such proposed road or alteration, at least six days before the time fixed for the appearance of such jury, stating when such jury is to be impaneled by him, and describing the road to be established, altered, widened or vacated as petitioned for, and the lands for which damages are to be assessed.

Notices—how
served.

§ 56. The notice to such owners of lands may be served by any constable or one of the petitioners, or other person of lawful age, at least five days before the time of appearance. If any of such owners is an infant, such summons shall be served by delivering a copy to the infant or its guardian, if any; if no guardian, the person with whom he or she resides; if any owner is a lunatic or habitual drunkard (having a conservator) or insane, by delivering a copy to his conservator, if any; if any such owner is a married woman, by delivering a copy to her.

Duties of the
jury.

§ 57. The jury shall appear before and be sworn or affirmed by such justice, faithfully and impartially to assess the damage of each of the owners specified in such certificate, or those of them whose claims are then to be adjusted, according to law to the best of their judgment and understanding, and all parties in interest shall be entitled to subpoenas and other writs and papers, and the trial shall be conducted as in other civil cases. The jury shall hear such lawful evidence touching the question of such damages as may be presented to them; and shall also, on request of a majority of the road commissioners or owners of lands whose damages are to be determined, in a body, visit and examine the proposed location, alteration, widening

or vacation of such road, and the lands to be taken and affected thereby, and make a written verdict specifying the amount of damages, if any, which each such owner shall recover, and return the same to such justice to be by him entered on his docket in the nature of a judgment, to be paid by such commissioners, together with the costs of such suit, in case they shall finally determine to establish, alter, widen or vacate such road; and the money therefor shall be paid by the town or road district, out of the funds in the hands of the treasurer of the commissioners of highways, raised for road and bridge purposes, or any person interested in such road: *Provided*, that when there are several such owners the jury may assess the damages of one or more or all of them at the same time, or they may assess such damages at different times, or there may be different juries and trials at different times for different owners, as a majority of the commissioners of highways may determine; and any such assessment of damages may be continued from time to time for good cause, with the like effect as continuances in other cases before justices of the peace.

§ 58. The commissioners of highways, or any person interested in such verdict, may appeal from such judgment Appeals from judgment. to the circuit court of the proper county, at any time within twenty days from the rendition of such judgment, by giving bond, with approved security, to be approved by such justice of the peace or by the clerk of the circuit court to which the appeal is taken. Infants may appeal by their guardian or next friend, lunatics or insane persons by their conservator or next friend, and married women by themselves or their husbands, or jointly with their husbands; and the bonds so executed by them, respectively or jointly, shall be valid against persons under such disability and their securities.

§ 59. When an appeal is taken, the justice of the peace shall, within ten days from the time the appeal is perfected, send all the papers with a certified copy of his docket to the office of the clerk of the court to which such appeal is taken. When appeal is taken.

§ 60. The trial of such appeal shall be as in other appeal cases, and the judgment of the court shall be, that the amount so found for the owners, if any is so found, shall be payable with cost, as provided in section fifty-seven (57) of this act. Trial of appeal.

§ 61. Within thirty days after the total amount of damages shall have been ascertained, either by release or the agreement of parties, or by assessment before a justice of the peace and a jury, in the manner hereinbefore provided, the commissioners shall hold a meeting to finally determine upon the laying out, altering, widening or vacation of such road, of which meeting said commissioners shall give public Meeting for final determination.

notice, by causing not less than three notices thereof to be posted in public places within the town or road district, at least five days prior thereto. In cases where the damages are not wholly released or agreed upon, and the commissioners shall be of the opinion that the damages assessed by the jury are manifestly too high, and that the payment of the same would be an unreasonable burden upon the taxpayers of the town or road district, the commissioners may revoke all proceeding had upon the petition by a written order to that effect; and such revocation shall have the effect to annul all such proceedings and assessments, releases and agreements, in respect to damages growing out of the proceedings upon the petition, unless the decision of the commissioners is appealed from and reversed or modified on such appeal, as herein provided. In case the commissioners shall not revoke such prior proceedings, they shall make an order, to be signed by them, declaring such road so altered, widened or laid out, a public highway, and which order shall contain or have annexed thereto a definite description of the line of such road, together with a plat thereof. The commissioners shall, within ten days from the date of such order, cause the same, together with the report of the surveyor, the petition, and releases or agreements in respect to damages, to be deposited and filed in the office of the town clerk, and in counties not under township organization in the office of the county clerk; and such clerks shall respectively note upon such order the date of such filing. It shall be the duty of such clerks, after the time for appeal to supervisors or other commissioners has expired, and in case of such appeal after the same shall have been determined, in case the prayer of the petition is granted, to record such order, together with the plat of the surveyor, in a proper book to be kept for that purpose. In cases where the damages claimed by the land owners for the right of way is released, or is agreed upon between the land owners and the commissioners, the commissioners may, at their first meeting, or at any adjourned meeting, examine the route of the road, and cause a survey thereof to be made, and make their order establishing, altering, widening or vacating the road, according to the prayer of the petition, and return the same within the time and in the manner specified in this act.

Non-residents.

§ 62. In case the person to whom any damage is assessed, is not a resident of the county or is under disability, the amount of the damages assessed to such person may be deposited with the justice of the peace, or clerk of the court where the judgment for such damages is entered or was recovered, and no road shall be opened until such damages have been so deposited, or the amount thereof has been tendered or paid to the person entitled to receive the same.

§ 63. Any person or persons interested in the establishment, alteration, widening or vacation of any road in this state, are hereby authorized to offer inducements to the commissioners of highways, for the establishment, alteration, widening or vacating of any such road, by entering into contract with said commissioners, conditioned upon such establishment, alteration, widening or vacating, to pay money or any other valuable thing to the town or road district, for the benefit of the road and bridge funds of the same, or to perform any labor, or to construct any road, bridge or culvert on any road which said person or persons desire to have established, widened or altered. And such contracts, in writing, made with said commissioners, shall be deemed good and valid in law, and may be enforced by said commissioners or their successors in office, before any court having jurisdiction.

Inducements to
commissioners.

§ 64. The record of the county or town clerk, as the case may be, or a certified copy of such record and papers, relating to the establishment, location, alteration, widening, or vacation of any road, shall be *prima facie* evidence in all cases that all the necessary antecedent provisions had been complied with, and that the action of the commissioners of highways, or other persons and officers, in regard thereto, were regular in all respects.

Record of county or town clerk
to be evidence.

§ 65. Private roads and cartways, for private and public use, leading from any dwelling or land to a public road, or from one public road to another, may be located and established in the same manner as provided in this act for public roads, except that the same may be petitioned for by one or more persons; and the petition shall state the width of road desired by the petitioners; and such roads and cartways shall not be more than fifty feet wide; and in all cases the petitioner or petitioners shall pay all the costs of such location, and all the damages that may be awarded to the owners of the land over which such private road or cartway shall run, before the same shall be opened, unless the jury which assesses such damages should award, or the commissioners of highways shall agree, that a part of such damages be paid by the town or road district; and all parties interested shall have the same right to appeal in all cases, as provided in this act for public roads.

Private roads.

§ 66. If such private road or cartway shall not be opened by the petitioners or their assigns within one year from the time of making the order for the location of the same, such order shall be regarded as rescinded.

Order rescinded

§ 67. When such private road or cartway is proposed to pass over inclosed lands, the owners of such lands shall have a reasonable time, not exceeding eight months, to be designated by the commissioners of highways, to harvest crops and remove fences which may be on such land before such road or cartway shall be opened.

Inclosed lands.

Pay for work
done.

§ 68. The commissioners of highways may, in their discretion, pay persons who live on or have private roads, which are used by the public, for work done on such roads; but in no case shall they be allowed more than the amount of their road tax for the year in which the work is done.

Roads on town-
ship and county
lines.

§ 69. Public roads may be established, altered, widened or vacated on township or county lines, in the same manner as other public roads, except that in such case a copy of the petition shall be posted up in and presented to the commissioners of highways of each town or road district interested; whereupon it shall be the duty of the commissioners of highways of the several towns or districts to meet and act as one body, in the same time and manner as in other cases, in considering the petition, viewing the premises, adjusting damages and making all orders in reference to such proposed road, alteration, widening or vacation, and a majority of all such commissioners must concur in all such orders; and a copy of all final orders and plats and papers shall be filed and recorded in each of the counties, towns, or road districts interested. They shall also, in case a new road is established, allot to each of such towns or districts, the part of such road which such town or district shall open and keep in repair, and the part so allotted shall be considered as wholly belonging to such town or district. They shall also divide the expenses and damages which may accrue from such location, widening or alteration, and if they cannot agree they shall refer the matter to three disinterested freeholders, as arbitrators, whose decision shall be final.

Appeal from
decision of com-
missioners.

§ 70. Any person or persons interested in the decision of the commissioners of highways, in determining to, or in refusing to lay out, alter, widen or vacate any road, or revoking any previous order or decision relative to any road, may appeal from such decision to three supervisors of the county outside of the town in which such road or proposed road is located, by giving a written notice of such appeal to the said commissioners of highways, and to at least three of the petitioners, and also, to the same parties, a notice when and where such appeal will be tried, at least three days before such trial, within ten days after such decision has been filed in the office of the proper clerk, and shall also present a written petition to some justice of the peace of the county, asking for an appeal, and stating on what grounds such appeal is taken. It shall be the duty of the justice of the peace to cause to be summoned three supervisors of the county, to hear such appeal; and said supervisors shall fix upon a time and place when said appeal will be heard by them; and upon such appeal, the said supervisors shall have the same power and authority that is by this act conferred on the commissioners of highways, not only in regard to the laying out, altering, widening or vaca-

ting any road, but shall have the same power to cause a jury to be called to assess damages—whenever the state of the proceedings may require it, and the supervisors cannot agree with the owners of land in regard to the same. And they shall make a report of their proceedings and decision in the case, and in like manner, that is, by this act, required by the highway commissioners, and shall be entitled to the same compensation; and their decision shall be final in regard to laying out, altering, widening or vacating such road, or in refusing to do the same, for one year after such decision. Any parties taking an appeal from the award or the decision of the three supervisors, highway commissioners, or the verdict of a jury, shall pay the cost of such appeal, in case the award or the decision of said supervisors, highway commissioners or the verdict of a jury, is in all things sustained; and shall file a sufficient bond with the justice of the peace, town or county clerk—as the case may be—before taking such appeal, guaranteeing such payment in such case. In cases of appeal, as provided for in this section, in counties not under township organization, the appeal shall be to three commissioners of highways of some road district in the county, other than the road district in which the appeal is taken, who shall have the same powers and compensation and perform the same duties that is required of the three supervisors in this section.

§ 71. The decision of a majority of the supervisors or commissioners of highways, selected, in any appeal case, or of the commissioners of highways in any case before them, shall be taken as the decision of said supervisors or commissioners of highways. Decision of a majority.

§ 72. When the commissioners of highways of one town or district disagree with the commissioners of highways of an adjoining town or district, in regard to the laying out of a new road, or the alteration, widening or vacation of an old road, on any county, town or district line, appeals may be taken from such decision, in the same manner as set forth in section seventy of this act: *Provided*, that when such decision is in regard to a road on a county line, in counties under township organization, two supervisors and one commissioner of highways shall be selected from one county, and two commissioners of highways and one supervisor shall be selected from [the] other. The county from which the two supervisors shall be selected, shall be determined by the party or parties taking the appeal; and the justice of the peace shall issue his summons accordingly. In counties not under township organization, three commissioners of highways shall be selected from one county interested and four from the other. Adjoining towns or districts.

§ 73. All roads heretofore laid out upon town, district or county lines, shall be divided, allotted, and kept in repair, in the manner as hereinbefore directed. Any public road Roads on town, district or county lines.

that is or shall hereafter be laid out on a county or town line, shall be held to be a road on a county or town line, although, owing to the topography of the ground along said county or town line, or at the crossing of any stream of water, the proper authorities, in establishing or locating such road, may have located a portion of the same to one side of such county or town line.

On state line. § 74. Roads may be laid out and opened upon the line between this and any adjoining state, as provided in the preceding sections, whenever the laws of such adjoining state shall be applicable.

Repair of bridges. § 75. Bridges over streams which divide towns, counties or road districts, and bridges over streams on roads on county, town or district lines, shall be built and repaired at the equal expense of such towns, counties or road districts.

Joint contracts. § 76. For the purpose of building or keeping in repair such bridge or bridges, it shall be lawful for the commissioners of highways of such adjoining towns, counties or road districts, to enter joint contracts; and such contracts may be enforced, in law or equity, against such commissioners, jointly, the same as if entered into by individuals, and such commissioners may be proceeded against, jointly, by any parties interested in such bridge or bridges, for any neglect of duty in reference to such bridge or bridges, or for any damages growing out of such neglect.

Failure to perform contract. § 77. If the commissioners of highways of either of such towns or road districts, after reasonable notice in writing from the commissioners of highways of any other of such towns or road districts, shall neglect or refuse to build or repair any such bridge, when any contract or agreement has been made in regard to the same, it shall be lawful for the commissioners so giving notice to build or repair the same, and to recover by suit one half (or such amount as shall have been agreed upon) of the expense of so building or repairing such bridge, with costs of suit and interest from the time of the completion thereof, from the commissioners so neglecting or refusing.

Judgments. § 78. Any judgment so recovered against the commissioners of highways of either of such towns or road districts, shall be a charge on such town or road district, as the case may be, unless the court shall certify that the neglect or refusal of such commissioners was willful or malicious, in which case only such commissioners shall be personally liable for such judgment, and the same may be enforced against them in their personal and individual capacity.

Petition for building or repair of bridges. § 79. When it shall be necessary to build, construct or repair any bridge or road in any town or road district, which would be an unreasonable burden to the same, the cost of which will be more than can be raised by ordinary road taxes in such town or road district, the commissioners of highways shall present a petition to the county board of the

county in which such town or road district is situated, praying for an appropriation from the county treasury to aid in the building, constructing or repairing of such bridge or road; and such county board may make an appropriation of so much for that purpose as, in their judgment, the nature of the case requires and the funds of the county will justify—said appropriation to be expended under the supervision of an authorized agent or agents of the county, if the county board shall so order.

§ 80. Whenever it shall be represented to the county board of any county, by the petition of at least twenty-five legal voters of such county or of an adjoining county, that any bridge or road, in any town or road district, or any bridge or road on any town, district or county line in such county, should be built, constructed or repaired, and that the same has been improperly neglected by the commissioners of highways of such town or road district, the county board, if, on investigation, they are satisfied the interests of the public demands that such road or bridge should be built, constructed or repaired, and that such town or road district has sufficient means to build, construct or repair the same, shall by resolution direct the commissioners of highways of such town or road district, whose duty it is to construct or repair the same, to build, construct or repair the same, or such part thereof as they shall deem reasonable, within the time to be specified in such resolution, and shall cause a copy of such resolution to be served on the commissioners of highways of such town or road district; whereupon such commissioners of highways shall build, construct or repair such bridge or road as directed in such resolution of the county board; and if said commissioners of highways shall fail or refuse to build, construct or repair such bridge or road, or culvert, as directed by such resolution, the county board shall authorize some person to build, construct or repair the same, and cause the necessary amount of the cost thereof to be extended on the tax list of such town or road district, and collected as other road taxes, and applied to pay for such improvement: *Provided*, that no work shall be ordered to be done or performed, under the provisions of this section, that will cost more than ten cents on each one hundred dollars valuation of taxable property of the town or road district by the last preceding assessment of the same.

County board
to direct con-
struction or re-
pair.

§ 81. The county boards of the several counties in this state, not under township organization, shall provide necessary well bound books, in which the county clerk shall record all the papers, plats and surveys, and orders relating to the roads which have been or may be established in the several road districts in his county, when the same are reported to him to be filed in his office.

Record of plats
and surveys.

Re-surveys
and plats.

§ 82. Upon the petition of twelve (12) legal voters, it shall be the duty of the commissioners of highways of each town and road district, within a reasonable time, to employ a competent surveyor, and have any road or roads designated in such petition in their several towns and road districts re-surveyed and plats thereof made, which plats and surveys shall be by them filed for record in the office of the township or county clerk, as the case may be: *Provided*, that this section shall not apply where the same has been already done, unless the exact location of such road is uncertain.

Establishment
of new roads.

§ 83. The establishment of a new road on the route of a road already established according to law, shall not vacate the road previously established, unless such vacation is prayed for in the petition, and so declared in the order establishing the new road.

Contracts for
building roads
and bridges.

§ 84. The commissioners of highways of the several towns and road districts are hereby authorized to contract for the building of bridges, the constructing of roads, and the repairing of bridges and roads in their respective towns or road districts, and they may let such contracts by a public letting to the lowest responsible bidder, upon proper notice being given by posting copies of such notice in at least three public places in their town or road district, not less than ten days before the time of such public letting; or if they deem it to be the interest of their town or road district, they may, to an amount not to exceed twenty-five dollars, privately contract with persons, as they shall deem best, for putting and keeping the roads and bridges in good repair; but in no case shall such contracts exonerate such commissioners from liability for failure to keep such bridges or roads in repair: *Provided*, that the collector of taxes shall receive from any tax payer, in payment of said tax payer's road and bridge tax, any order of the commissioners of highways, on their treasurer, for work done on, or material furnished for the construction or repairs of the highways or bridges in any sum not to exceed the amount of such person's road and bridge tax then due.

Contracts for
road labor.

§ 85. The commissioners of highways may contract with persons owing poll tax for road purposes to perform a certain amount of labor on any road or bridge in their town or road district, for the amount of such tax, and if the work is done within the time that the money should have been paid, the commissioners shall give such person an order on their treasurer, which shall be received by him, instead of the money.

Drainage
of wet lands.

§ 86. Whenever a public road or highway shall pass over low or wet lands, and it shall be necessary to drain the same in order to render the said road dry and passable, and the said road cannot readily or conveniently be drained without laying or digging a ditch or ditches over or across

the adjacent lands, it shall be lawful for the commissioners of highways, or other persons whose duty it is to cause the said road to be made passable, to enter upon the said adjacent lands and construct the required ditch or ditches over and upon the same; and in case the said commissioners or persons shall be unable to agree with the owner or owners of such lands as to the amount of damages to be allowed and paid to such owner or owners, the same shall be fixed and ascertained in the manner and with like proceedings as provided in this act in case of damages in the location or alteration of roads.

§ 87. Whenever a public road is ordered to be established, or altered, according to the provisions of this act, which road shall pass through or on inclosed lands, the commissioners of highways shall give the owner or occupant of such lands sixty days' notice, in writing, to remove his fences. If such owner or occupant does not remove his fence within sixty days after such notice, the commissioners shall cause the same to be removed, and direct the road to be opened and worked; and such owner shall forfeit to such commissioners the sum of one dollar for every day he shall permit his fence to remain after the expiration of said sixty days, and shall pay all necessary cost of removal, to be collected by said commissioners before any justice of the peace having jurisdiction.

'Roads through inclosed lands.

§ 88. All public roads established by the order of the commissioners of highways, shall be sixty-six (66) feet wide, except in cases of roads not over two (2) miles long the road may be of any width, not less than thirty-three (33) feet, if so prayed for in the petition, and not otherwise. All public roads shall be opened within one year from the time the order establishing them was recorded. If not assessed within the time aforesaid, that part not so opened shall be deemed vacated.

Width of roads.

§ 89. If the commissioners of highways shall refuse or neglect to perform any of the duties enjoined on them by this act, they shall severally forfeit not less than five dollars nor more than fifty dollars, and may be proceeded against, severally or jointly, for the recovery of such forfeiture before any justice of the peace in the proper county, in the name and for the use of the informer.

Refusal or neglect to perform duties.

§ 90. The commissioners of highways shall receive for their services the sum of two dollars per day for each day necessarily employed in the performance of their duties, the same to be audited by the town auditors or the county board, and paid out of the town or county funds, as the case may be.

Compensation of commissioners.

§ 91. Whenever the term "county board" is used in this act, it shall be held to mean the board of supervisors in counties under township organization, and to mean the

The term "county board."

county commissioners or board of county commissioners in counties not under township organization.

Repeal. § 92. All laws heretofore existing that may in any way conflict with the provisions of this act, and all laws in relation to overseers of highways and road supervisors, shall be and are hereby repealed.

To take effect. § 93. This act to take effect and be in force from and after the fifteenth day of August next.

APPROVED April 10, 1872.

SCALES.

In force July 1,
1871.

AN ACT to repeal an act, therein named, in relation to scales.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act prescribing and establishing a method for testing and correcting cattle and platform scales," approved February 22, 1861, be and the same is hereby repealed.

This bill having been laid before the governor on November 16, 1871, and the same having been filed by the governor with the secretary of state, on November 29, A. D. 1871, without his approval, said bill, by virtue of section 16, article 5, of the constitution, has become a law. In force July 1, 1871.

EDWARD RUMMEL,
Secretary of State.

SCHOOL FUND.

In force July 1, 1871. AN ACT providing for the payment of the school tax fund orders and the school fund interest orders.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the orders issued by the auditor of public accounts for the school fund tax, and for the interest on the school, college and seminary funds distributed to the several counties in the state, annually, shall be received by the state treasurer in payment of amounts due to the state from county collectors; and on presentation, by the state treasurer, of said orders to

the auditor of public accounts, as vouchers, said auditor shall issue his warrant to said treasurer, on the school fund, for the amount of the school fund tax orders, and on the revenue fund for the amount of the orders for interest on the school, college and seminary fund.

APPROVED June 29, 1871.

AN ACT providing for the payment of the school tax fund orders and the school fund interest orders. In force Jan. 5, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the orders issued by the auditor of public accounts for the school fund tax and for the interest on the school, college and seminary funds distributed to the several counties in the state, annually, shall be received by the state treasurer in payment of amounts due to the state from county collectors; and on presentation, by the state treasurer, of said orders to the auditor of public accounts, as vouchers, said auditor shall issue his warrant to said treasurer, on the school fund, for the amount of the school fund tax orders, and on the revenue fund for the amount of the orders for interest on the school, college and seminary funds. To be received by the state treasurer.

§ 2. That as county collectors are required by law to make final settlement of their accounts for state taxes before the first day of July of each year, but, until this law shall go into effect, said orders cannot be used in such settlement, whereby an emergency has arisen that this law shall take immediate effect: therefore this act shall take effect and be in force from and after its passage. Emergency.

APPROVED January 5, 1872.

AN ACT to enable the auditor to make a dividend of two-thirds of the school funds in proportion to the number of persons under twenty-one years of age in each county. In force March 21 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whereas it is impracticable for the auditor to speedily ascertain the number of persons under twenty-one years of age in each county of the state, said auditor is hereby authorized to apportion two-thirds of the school funds in the manner required by section seventy, of "An act to establish and maintain a system of free schools," in proportion to the number Auditor to apportion.

of persons under twenty-one years of age in each county, as ascertained by the school census of eighteen hundred and seventy: *Provided*, that the provisions of this act shall apply only to the dividends made in the year eighteen hundred and seventy-two, and that thereafter and until another census shall have been taken such dividends shall be made in proportion to the number of persons under twenty-one years of age.

Emergency.

§ 2. Inasmuch as the auditor is required to make such dividend immediately, an emergency is hereby declared to exist, and this act shall be in force from and after its passage.

APPROVED March 21, 1872.

SCHOOLS.

In force July 1,
1872.

AN ACT to establish and maintain a system of free schools.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION—HIS ELECTION AND DUTIES.

Time of election

That at the election to be held on Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-four, and quadrennially thereafter, there shall be elected, by the legal voters of this state, a state superintendent of public instruction, who shall hold his office for four years from the second Monday in January next after his election, and until his successor is duly elected and qualified.

Oath and bond.

§ 2. Before entering upon his duties he shall take and subscribe the oath of office prescribed by the constitution, and shall also execute a bond, in the penalty of twenty-five thousand dollars, payable to the state of Illinois, with securities to be approved by the governor, conditioned for the prompt discharge of his duties as superintendent of public instruction, and for the faithful application and disposition, according to law, of all school moneys that may come into his hands by virtue of his office. Said bond and oath shall be deposited with the secretary of state, and an action may be maintained thereon by the state, at any time, for a breach of the conditions thereof.

§ 3. It shall be his duty to keep an office at the seat of government of the state, and to file all papers, reports and public documents transmitted to him by the school officers of the several counties, each year separately, and to keep and preserve all other public documents, books and papers relative to schools, coming into his hands as state superintendent, and to hold the same in readiness to be exhibited to the governor, or to any committee of either house of the general assembly; and shall keep a fair record of all matters pertaining to the business of his office.

Place and manner of keeping office.

§ 4. He shall, without delay, pay over all sums of money which may come into his hands by virtue of his office, to the officer or person entitled to receive the same, in such manner as may be prescribed by law.

§ 5. He shall counsel and advise, in such manner as he may deem most advisable, with experienced and practical school teachers, as to the best manner of conducting common schools.

§ 6. Said superintendent shall have the supervision of all the common and public schools in the state, and shall be the general adviser and assistant of county superintendents of schools in this state; he shall from time to time, as he shall deem for the interests of schools, address circular letters to said superintendents, giving advice as to the best manner of conducting schools, constructing school houses, furnishing the same, examining and procuring competent teachers.

Adviser of county superintendents.

§ 7. Said state superintendent shall, on or before the fifteenth day of December preceding each regular session of the general assembly, report to the governor the condition of the schools in the several counties of the state, the whole number of schools which have been taught in each county in each of the preceding years, commencing on the first of October; what part of said number have been taught by males exclusively, and what part by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods; the number of scholars in attendance at said schools; the number of persons in each county under twenty-one years of age, and the number of such persons between the ages of twelve and twenty-one years that are unable to read and write; the amount of township and county funds; the amount of the interest of the state or common school fund, and of the interest of the township and of the county fund annually paid out; the amount raised by an *ad valorem* tax; the whole amount annually expended for schools; the number of school houses, their kind and condition; the number of townships and parts of townships in each county; the number and description of books and apparatus purchased for the use of schools and school libraries under the provisions of this act, the price paid for the same, and total amount purchased, and

Report to governor.

what quantity and how distributed; and the number and condition of the libraries; together with such other information and suggestions as he may deem important in relation to the school laws, schools, and the means of promoting education throughout the state; which report shall be laid before the general assembly at each regular session.

§ 8. The said state superintendent of public instruction shall make such rules and regulations as may be necessary and expedient to carry into efficient and uniform effect the provisions of this act, and of all the laws which now are or may hereafter be in force for establishing and maintaining free schools in this state; and shall be the legal adviser of all school officers, and when requested by any such school officer, shall give his opinion in writing upon any question arising under the school laws of this state.

To be legal adviser of school officers.

May cause funds to be withheld.

§ 9. The said state superintendent shall have power to direct and cause the county superintendent of any county, directors or boards of trustees or township treasurer of any township, or other school officer, to withhold from any officer, township, district or teacher, any part of the common school, or township, or other school fund, until such officer, township treasurer or teacher shall have made all schedules, reports and returns required of him by this act, and until such officer shall have executed and filed all official bonds and accounted for all common school or township or other school funds which have heretofore come into his hands, as required of him by this act.

Salary and office expenses.

§ 10. And the said state superintendent shall receive annually such sum as may be provided by law, as a salary for the services required under the provisions of this act, or any other law that may be passed, and also all necessary contingent expenses, for books, postage and stationery pertaining to his office—to be audited and paid by the state, as the salaries and contingent expenses of other officers are paid.

COUNTY SUPERINTENDENTS—THEIR ELECTION AND DUTIES.

Election.

§ 11. On the Tuesday next after the first Monday in November, one thousand eight hundred and seventy-three, and every four years thereafter, there shall be elected by the qualified voters of every county in this state, a county superintendent of schools, who shall perform the duties required by law. He shall, before entering upon his duties, take the oath prescribed by the constitution, and execute a bond, payable to the state of Illinois, with two or more responsible freeholders as security, to be approved by the county board, or judge and clerk of the county court, in penalty of not less than twelve thousand dollars, to be increased at the discretion of said board, conditioned that he will faithfully perform all the duties of his office according to the laws which are or may be in force; by which bond

Oath and bond.

the obligors shall be bound jointly and severally, and upon which an action or actions may be maintained by the board of trustees of the proper township, for the benefit of any township or fund injured by any breach thereof; and joint action may be had for two or more funds.

§ 12. The bond required in the foregoing section shall be in the following form, viz :

STATE OF ILLINOIS, }
 County. } ss.

Know all men by these presents, that we, A B, C D and E F, are held and firmly bound, jointly and severally, unto the People of the State of Illinois, in the penal sum of dollars, to the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents. Form of bond.]

In witness whereof we have hereunto set our hands and seals, this ... day of , A. D. 18..

The condition of the above obligation is such, that if the above bounden A B, county superintendent of the county aforesaid, shall faithfully discharge all the duties of said office, according to the laws which now are or may hereafter be in force, and shall deliver over to his successor in office all moneys, books, papers and property in his hands, as such county superintendent, then this obligation to be void: otherwise to remain in full force and virtue.

A B, [SEAL.]
 C D, [SEAL.]
 E F, [SEAL.]

And which bond shall be filed in the office of the county clerk.

§ 13. The said superintendent shall be liable to removal by the county board for any palpable violation of law or omission of duty; and if a majority of said board shall at any time be satisfied that his bond is insufficient, it shall be his duty, on notice, to execute a new bond, to be payable, conditioned and approved as the first bond, the execution of which shall not affect the old bond, or the liability of the security thereof; and when the office of county superintendent shall become vacant by death, resignation or otherwise, the county board shall fill the same by appointment, and the person so appointed shall hold his office until the next election of county officers; at which election the county board shall order the election of a successor. County superintendent liable to removal.
Supervisors may require a new bond.
Vacancies.

§ 14. The said superintendent shall provide three well bound books, to be known and designated by the letters A, B, C, for the following purpose: In book A, he shall record, at length, all petitions presented to him for the sale of common school lands, and the plats and certificates of valuation made by or under the direction of the trustees of schools, and the affidavits in relation to the same. In book B, he shall keep an account of all sales of common school lands; which account shall contain the date of sale, name of purchaser, description of land sold, and the sum sold for. In book C, he shall keep a regular account of all moneys received for lands sold, or otherwise, and loaned or paid out; the person of whom received, and on what account, and showing whether it is principal or interest; the person to whom loaned, the time for which the loan was made, the Books required to be kept.

rate of interest; the names of the securities, when personal security is taken, or, if real estate is taken as security, a description of said real estate, and if paid out, to whom, when, and on what account, and the amount paid out; the list of sales and the accounts of each township fund to be kept separate. Said books shall be paid for out of the county treasury of the counties in which they are used.

To pass upon
bond of town-
ship treasurer.

§ 15. Whenever the bond of any township treasurer, approved by the board of trustees of schools, as required by law, shall be delivered to the county superintendent, he shall carefully examine the same, and if the instrument is found to be in all respects according to law, and the securities good and sufficient, he shall indorse his approval thereon, and file the same with the papers of his office; but if said bond is in any respect defective, he shall return it for correction. When the bond shall have been duly received and filed, the superintendent shall, on demand, deliver to said township treasurer all moneys, bonds, mortgages, notes and securities, and all papers of every description, belonging to said township; and the said township treasurer shall receipt for the same, which receipt shall be carefully filed and preserved by the county superintendent, and shall be evidence of the fact therein stated.

Appointment
to townships.

§ 16. Upon the receipt of the amount due upon the auditor's warrant, the county superintendent shall apportion said amount to the several townships and parts of townships in his county, in which townships or parts of townships schools have been kept in accordance with the provisions of this act and with the instructions of the state and county superintendent, according to the number of children, under twenty-one years of age, returned to him, and shall pay over the distributive share belonging to each township and fractional township, to the respective township treasurers, or other authorized persons, annually: *Provided*, that no part of the state, county, or other school fund shall be paid to any township treasurer, or other person authorized by said treasurer, unless said township treasurer has filed his bond, as required by the fifty-fifth section of this act, nor in case said treasurer is reappointed by the trustees, unless he shall have renewed his bond and filed the same as aforesaid.

Funds not to
be paid till bond
is filed.

Report to state
superintendent.

§ 17. On or before the first Monday of November before each regular session of the general assembly, or annually, if so required by the state superintendent, the county superintendent shall communicate to said state superintendent all such information and statistics upon the subject of schools in his county as the said state superintendent is bound to embody in his report to the governor, and such other information as the state superintendent shall require; and any county superintendent so failing or refusing to report, shall

Liab. to re-
moval.

be liable to removal by the county board for such neglect of duty.

§ 18. The county superintendent, upon his removal or resignation, or at the expiration of his term of service, (or in case of his death, his representatives), shall deliver over to his successor in office, on demand, all moneys, books, papers and personal property belonging to the office, or subject to the control or disposition of the county superintendent.

§ 19. The county superintendent may loan any money, not interest, belonging to the county fund, before the same is called for, according to law, by the township treasurer, at the same rate of interest, upon the same security and for the same length of time as is provided by this act in relation to the township treasurers, and apportion the interest as provided in section sixteen of this act; and notes and mortgages taken in the name of the "county superintendent" of the proper county, are hereby declared to be as valid as if taken in the name of "trustees of schools" of the proper township, and suits may be brought in the name of "county superintendents," on all notes and mortgages heretofore or hereafter made payable to the county superintendents.

To loan county fund.

Interest apportioned.

Notes and mortgages in his favor.

§ 20. It shall be the duty of the county superintendent, if so directed by the county board, to visit, at least once in each year, every school in his county, and to note the methods of instruction, the branches taught, the text books used, and the discipline, government, and general condition of the schools. He shall give such directions in the science, art and methods of teaching as he may deem expedient and necessary, and shall be the official adviser and constant assistant of the school officers and teachers of his county, and shall faithfully carry out the advice and instructions of the state superintendent. He shall encourage the formation and assist in the management of county teachers' institutes, and labor in every practicable way to elevate the standard of teaching, and improve the condition of the common schools of his county. In all controversies arising under the school law, the opinion and advice of the county superintendent shall first be sought, whence appeal may be taken to the state superintendent, upon a written statement of facts, certified by the county superintendent.

Visitation of schools.

Official advice.

Controversies—appeal.

§ 21. In all cases where the township board of trustees of any township shall fail to prepare and forward, or cause to be prepared and forwarded, to the county superintendent, the information and statistics required of them in this act, it shall be the duty of said county superintendent to employ a competent person to take the enumeration and furnish said statistical statement as far as practicable, to the superintendent; and said person so employed shall have free access to the books and papers of said township, to enable him to make such statement: and the township treasurer, or

Failure of trustees to furnish statistics.

County superintendent to employ a competent person.

other officer or person in whose custody such books and papers may be, shall permit said person to examine such books and papers, at such times and places as such person may desire for the purposes aforesaid; and the said county superintendent shall allow, and pay to the person so employed by him, for the services, such amount as he may judge reasonable, out of any money which is or may come into said superintendent's hands, apportioned as the share of, or belonging to such township; and the said county superintendent shall proceed to recover and collect the amount so allowed or paid for such services, in a civil action before any justice of the peace in the county, or before any court having jurisdiction, in the name of the People of the State of Illinois, of and against the trustees of schools of said township, in their individual capacity; and in such suit or suits the said county superintendent and township treasurer shall be competent witnesses; and the money so recovered, when collected, shall be paid over to the county superintendent for the benefit of said township, to replace the money taken as aforesaid.

Suit to be ag't
the trustees as
individuals.

May re-sell real
estate.

§ 22. When any real estate shall have been taken for debts due to any school fund, the title to which real estate has become vested in any county superintendent, or trustees of schools, for the use of the inhabitants of one or more townships, the county superintendent, or trustees of schools, may re-sell such real estate for the benefit of said township or townships, under the provisions of this act regulating the sale of the common school lands, and the said superintendent, or trustees of schools, is hereby authorized to execute conveyances to purchasers.

TOWNSHIPS—TRUSTEES OF SCHOOLS.

School town-
ship.

Fractional
townships may
be consolidated.

Trustees a
body politic.

§ 23. Each congressional township is hereby established a township for school purposes, but when any fractional township contains less than forty persons under twenty-one years of age, the trustees thereof, upon petition of a majority of the inhabitants of such fractional township, may, by written agreement entered into with the board of trustees of any adjacent township, consolidate the territory, school funds and other property of such fractional township with such adjacent township, and thereafter shall cease to exercise the functions of school trustees for such fractional township; and such territory, school funds and other property aforesaid shall thereafter be managed by the board of trustees of the adjacent and consolidated township, in accordance with the terms of agreement aforesaid, in the same manner as is or may be provided by law for the management of the territory, funds and other property of school townships. The business of the township shall be done by three trustees, to be elected by the legal voters of the township,

who, upon their election, as hereinafter provided, shall be a body politic and corporate, by the name and style of "Trustees of Schools of Township . . . , Range . . . ," according to the number. The said corporation shall have perpetual existence; shall have power to sue and be sued, to plead and be impleaded in all courts and places where judicial proceedings are had. Said trustees shall continue in office three years, and until others are elected and enter upon the duties of their office. At the first regular election of trustees, after the passage of this act, a successor to the trustee whose term of office then expires shall be elected, and thereafter one trustee shall be elected annually.

Term of office.

§ 24. No person shall be eligible to the office of trustee of schools, unless twenty-one years of age, and a resident of the township.

Age and residence.

§ 25. The election of trustees of schools shall be on the second Saturday in April, annually; but in townships where such election has not been heretofore had, or where there are no trustees of schools, the election of trustees of schools may be holden on any Saturday, notice being given as hereinafter in this section required. The first election shall be ordered, if in townships already incorporated, by the trustees of schools of the township, the township treasurer giving notice of the time and place by posting notices of the same at least ten days previous to the day of election, in not less than five of the most public places in the township. If there are no trustees of schools in a township, the county clerk shall cause the notice to be given as aforesaid, and in such case the trustees elected at their first meeting shall draw lots for their respective terms of office for one, two and three years, and thereafter one trustee shall be elected, annually, to fill the vacancy occurring. For all subsequent elections, the like notices shall be given by the trustees of schools, through the township treasurer: *Provided*, that if, upon any day appointed as aforesaid, for election aforesaid, the said trustees of schools, or judges, shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them shall desire it, they shall postpone said election until the next Saturday, and at the same place and hour; at which meeting the voters shall proceed as if it were not a postponed or adjourned meeting: *And, provided, also*, that if notice shall not have been given as above required, then, and in that case, said election may be ordered as aforesaid, and holden on the first Saturday in May, or any other Saturday; notice thereof being given as aforesaid: *And, provided, also*, that if the township treasurer shall fail or refuse to give notice of the regular election of trustees, as aforesaid, and if, in case of a vacancy, the remaining trustee or trustees shall fail or refuse to order an election to fill such vacancy, as required in section twenty-nine of this act, then,

Election.

Judges may postpone election.

Election on any Saturday.

County superintendent to order election.

and in each case, it shall be the duty of the county superintendent to order an election of trustees to fill such vacancies, as aforesaid; and all elections so ordered and held shall be valid to all intents and purposes whatever.

Judges of election.

§ 26. The trustees of schools of incorporated townships, present, shall act as judges, and choose a person to act as clerk of said election. If said trustees (or any of them) shall fail to attend, or refuse to act when present, the electors present shall choose from their own number such additional judges as may be necessary; and in townships unincorporated, the qualified voters present shall choose from amongst themselves the number of judges required to open and conduct said election.

Conduct of elections.

§ 27. The time and manner of opening, conducting and closing said election, and the several liabilities appertaining to the judges and clerks, and to the voters separately and collectively, and the manner of contesting said elections, shall be the same as prescribed by the general election laws of this state defining the manner of electing magistrates and constables, so far as applicable, subject to the provisions of this act: *Provided*, that said election may commence, if so specified in the notice, at any hour between the hours of eight A. M. and one P. M., and the judges may close such election at four P. M.: *And, provided, further*, that in counties adopting township organization, in each and every township whose boundaries coincide and are identical with those of the town, as established under the township organization laws, the trustee or trustees shall be elected at the same time and in the same manner as the town officers; and all elections heretofore held at such time and in such manner in such townships, are hereby legalized. And in all such townships, if no trustees are elected at the stated town meeting, and when vacancies occur in the board, an election of trustee or trustees shall be ordered by the trustees of schools, through the township treasurer, as provided in the twenty-fifth section of this act.

Polls may be closed at four o'clock P. M.

Election of trustees at the town meeting.

Qualification of voters.

§ 28. No person shall vote at said election, nor at any other election held in pursuance of the provisions of this act, unless he possesses the qualifications of a voter at a general election. In case of a tie at such election, it shall be determined by lot, on the day of election, by the judges thereof.

Vacancies.

§ 29. When a vacancy or vacancies shall occur in the board of trustees of schools, the remaining trustee or trustees shall order an election to fill such vacancy, upon any Saturday, notice to be given as required in section twenty-five hereof.

Poll-book.

§ 30. Upon the election of trustees of schools, the judges of the election shall, within ten days thereafter, cause a copy of the poll book of said election to be delivered to the county superintendent of the county, with a certificate

thereon, showing the election of said trustees and names of the persons elected; which copy of the poll book, with the certificate, shall be filed by said superintendent, and shall be evidence of such election. For failure to deliver such copy of poll book and certificate within the time prescribed, the judges shall be liable to a penalty of not less than twenty-five nor more than one hundred dollars, to be recovered, in the name of the People of the State of Illinois, by action of assumpsit before any justice of the peace of the county; which penalty, when collected, shall be added to the township fund of the township. When trustees are elected at town meetings, as provided in section twenty-seven of this act, the officer or officers whose duty it is to make returns of said township election shall make returns of such election of trustees to the county superintendent, within the time, and subject to the same penalty for omission, prescribed in this section.

Failure to deliver poll book.

Town officers to make returns.

§ 31. The said trustees of schools, elected as aforesaid, shall be successors to the trustees of school lands appointed by the county commissioners' court, and of trustees of schools elected in townships, under the provisions of "An act making provisions for organizing and maintaining common schools," approved February twenty-six, one thousand eight hundred and forty one, and of "An act to establish and maintain common schools," approved March one, one thousand eight hundred and forty-seven. All rights of property, and rights and causes of action, existing or vested in the trustees of school lands, or trustees of schools, appointed or elected as aforesaid, for the use of the inhabitants of the township, or any part of them, shall vest in the trustees of schools as successors, in as full and complete a manner as was vested in the school commissioner (the trustees of school lands), or the trustees of schools appointed and elected as aforesaid.

Successors to trustees of school lands.

§ 32. It shall be the duty of the board of trustees to hold regular semi-annual meetings on the first Mondays of April and October, and special meetings may be held at such other times as they may think proper. Special meetings of the board may be called by the president or any two members thereof; and at all meetings two members of the board shall be a quorum for business. The board shall organize by appointing one of their number president, and some person, who shall not be a director or trustee, and who shall be a resident of the township, treasurer, who shall be, *ex-officio*, clerk of the board. The president and treasurer shall hold their offices for one year, and until their successors are appointed; but either of said officers may be removed by the board for good cause. It shall be the duty of the president to preside at the meetings of the board; and it shall be the duty of the clerk to be present at all meetings of the board, and to record, in a book to be provided for the purpose, all

Meetings of trustees.

Appointment of treasurer.

Records of proceedings.

their official proceedings, which shall be a public record, open to the inspection of any person interested therein; and all of said proceedings, when recorded, shall be signed by the president and clerk. If the president or clerk shall be absent, or refuse to perform any of the duties of his office, at any meeting of the board, a president or clerk, *pro tempore*, may be appointed.

Trustees to lay off districts.

Change of district boundaries.

§ 33. Trustees of schools in newly organized townships shall lay off the township into one or more districts, to suit the wishes and convenience of a majority of the inhabitants of the township, and shall prepare, or cause to be prepared, a map of the township, on which map shall be designated the district or districts, to be styled, when there are more than one, "District No, in Township No," which districts they shall change at any regular meeting, upon the following conditions, and not otherwise:

First—Upon petition of a majority of the voters of each of the districts affected by the proposed change, they shall change the boundaries of any district lying wholly within the township.

Second—Upon a like petition school districts shall be formed out of parts of two or more townships or fractional townships, in which case the trustees of schools of said townships shall concur in the formation of such districts.

Change not to be made when district has a bonded debt.

Third—Upon petition of all the voters in any territory, containing not less than five families, representing that they are not properly accommodated with school privileges, but will be by being added to another district, or formed into a new district; and upon petition of a majority of the voters of such other district, if any, it shall be the duty of the trustees of the township or townships in which such territory, or territory and district, are situated, to set-off such territory: *Provided*, that such change shall not be made when the district from which the petitioners desire to be severed has a bonded debt, nor when the new district line will be brought nearer than one mile to any school house.

Dissolution of union districts.

Fourth—Upon petition of a majority of the voters of a district composed of parts of two or more townships, it shall be the duty of each of the boards of trustees of the several townships to provide for so much of the territory of said district as lies within their respective townships, by annexing said territory to a district, or to districts already formed, or by the creation of a new district or districts, which shall include said territory.

Map of township showing changes.

Fifth—Upon petition of a majority of the voters of any district organized under a special act, and of the voters of other districts affected by the proposed change, trustees of the township or townships in which such district is situated shall change the boundaries of such district.

And whenever any changes, as provided in this section, are made, trustees of schools shall prepare, or cause to be prepared,

a map of their township, showing the districts accurately; which map shall be certified by the president and clerk of the board, and filed with and recorded by the county clerk in a book kept for that purpose, to be paid for out of the county treasury. When a new district is formed from a part of a district, the trustees of a township or townships concerned, shall proceed forthwith to make a distribution of any tax funds or other funds which are in the hands of the treasurer, or to which the district may, at the time of such division, be entitled, so as that both the old and new district shall receive parts of such funds in proportion to the amount of taxes collected, next preceding such division, from the property in the territory composing the several districts. If the new district be composed of parts of two or more districts, the trustees shall make distribution of said funds between the new district and the old districts respectively, so that the new district shall receive a distribution of the funds of each of the old districts in the proportion which the amount of taxes collected from the property in the territory of the new district, next before the division, bears to the whole tax collected, next before the division, in the old district; and the town treasurers shall forthwith place the sums so distributed to the credit of the respective districts, and shall immediately place the proportion of the said funds to which said new district may be entitled to its credit on his books, and the funds on hand shall be subject at once to the order of the directors of the new district, and those not on hand as soon as collected. The trustees of the township or townships concerned shall, at the time of the creation of a new district, or within the period of thirty days thereafter, proceed to the appointment of three appraisers, who shall not be citizens of the township or townships interested. It shall be the duty of said appraisers, within thirty days after their appointment, to appraise the school property, both real and personal, of the district or districts interested, at their fair cash value. Within thirty days after such appraisement, the trustees of the township or townships concerned shall proceed to charge the property to the district in which it may be found, and to credit the other district interested therein with its proportion of such valuation: *Provided*, that the *bona fide* debts, if any, of the old district shall first be deducted and the balance charged and credited as aforesaid, and of the funds then on hand, or subsequently to accrue, belonging to such district to which such property is charged, the trustees shall direct the treasurer to place to the credit of the district not retaining said property its proportion of the value of said property. If trustees shall fail to observe the provisions of this section in reference to distribution of funds and property, they shall be individually and jointly liable to the district interested, in an action on

Division of
funds.

Appraisal of
district property

Debts to be de-
ducted.

Trustees liable.

the case, to the full amount of the damages sustained by the district aggrieved. Where trustees have heretofore failed to make distribution of property to districts, as provided by law, any district interested in the making of such distribution may, by its directors, request the trustees, in writing, to proceed to make such distribution; and said trustees shall proceed to make distribution in the manner in this section prescribed, and shall be liable in like manner for neglect or failure. Within ten days after any changes are made in district boundaries, whether by division, consolidation or otherwise, the township treasurer shall make a full record thereof in the record book of the trustees, and file a copy of said record, together with a new map of the township, and a list of the taxpayers resident in each of the newly arranged districts, in the office of the county clerk. Compliance with these requirements, within the said period of ten days, is hereby made essential to the validity of any alterations of district boundaries. If said copy of record, plat of township and list of taxpayers shall be filed, as aforesaid, in the office of the county clerk, within ten days after the October meeting of the trustees, the county clerk shall thereupon correct the lists required to be filed on or before the first Monday in September, under section forty-four of this act.

Map to be filed
in ten days.

County clerk
to correct tax
list.

Apportionment
to districts.

§ 34. At the regular semi-annual meetings, on the first Mondays of April and October, the trustees shall ascertain the amount of state, county and township funds on hand and subject to distribution, and shall apportion the same as follows:

Basis of.

First—Whatever may be due for the compensation and the books of the treasurer, and such sum as may be deemed reasonable for dividing school lands, making plats, etc.

Second—The remainder shall be divided among the districts or fractions of districts, in which schools have been kept in accordance with the provisions of this act, and the instructions of the state and county superintendent, in proportion to the number of children under twenty-one years of age in each.

Treasurer to
pay out district
funds.

The funds thus apportioned shall be placed on the books of the treasurer to the credit of the respective districts, and the same shall be paid out by the treasurer on the legal orders of the directors of the proper districts.

Transfer of pu-
pils.

§ 35. Pupils shall not be transferred from one district to another without the written consent of a majority of the directors of both districts; which written permits shall be delivered to and filed by the proper township treasurer, and shall be evidence of such consent. A separate schedule shall be kept for each district, and in each schedule shall be certified the proper amount due the teacher from that district, computed upon the basis of the total number of days' attendance of all the schedules. If the district from which

Separate sche-
dules.

the pupils are transferred is in the same township as the district in which the school is taught, the directors of said district shall deliver the separate schedule to their township treasurer, who shall credit the district in which the school was taught, and charge the other districts with the respective amounts certified in said separate schedules to be due. If pupils are transferred from a district of another township, the schedule for that district shall be delivered to the directors thereof, who shall immediately draw an order on their treasurer, in favor of the treasurer of the township in which the school was taught, for the amount certified to be due in said separate schedule. When a school is composed of pupils from different townships, the teacher shall, in all cases, be paid by the treasurer of the township in which the school is taught, and the duty of collecting the amount due from the other townships shall devolve upon the directors. Upon petition of fifty voters of any school township, filed with the township treasurer at least fifteen days preceding a regular election of trustees, it shall be the duty of said treasurer to notify the voters of the township that an election "For" and "Against" a high school will be held at the next ensuing election of trustees, and the ballots to such effect shall be received and canvassed at such election; and if a majority of the votes at such election shall be found to be in favor of a high school, it shall be the duty of the trustees of the township to establish, at some central point most convenient for a majority of the pupils of the township, a high school, for the education of the more advanced pupils. For the purpose of building a school house, supporting the school, and other necessary expenses, the township shall be regarded as a school district, and the trustees shall have the power and discharge the duties of directors for such district in all respects: *Provided*, that in like manner the voters and trustees of two or more adjoining townships may cooperate in the establishment and maintenance of a high school, on such terms as they may, by written agreement made by the boards of trustees, enter into.

Teacher to be paid by one treasurer.

Township high school.

How established

Trustees to have powers of directors.

§ 36. The board of trustees of each township in this state shall prepare, or cause to be prepared, by the township treasurer, the clerk of the board, the directors of the several districts, or other person, and forwarded to the county superintendent of the county in which the township lies, on or before the second Monday of October preceding each regular session of the general assembly of this state, and at such other times as may be required by the county superintendent, or by the state superintendent of public instruction, a statement exhibiting the condition of schools in their respective townships for the preceding biennial period, giving separately each year, commencing on the first of October, and ending on the last of September; which statement shall be as follows:

Report to county superintendent.

Items.

First—The whole number of schools which have been taught in each year; what part of said number have been taught by males exclusively; what part have been taught by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods.

Second—The whole number of scholars in attendance at all the schools, giving the number of males and females separately.

Third—The number of male and female teachers, giving each separately; the highest, lowest, and average monthly compensation paid to male and female teachers, giving each item separately.

Illiteracy.

Fourth—The number of persons under twenty-one years of age, making a separate enumeration of those above the age of twelve years who are unable to read and write, and the cause or causes of their neglect to educate them.

Fifth—The amount of the principal of the township fund; the amount of the interest on the township fund paid into the township treasury; the amount raised by *ad valorem* tax and the amount of such tax received into the township treasury, and the amount of all other funds received into the township treasury.

Sixth—Amount paid for teachers' wages; the amount paid for school house lots; the amount paid for building, repairing, purchasing, renting and furnishing school houses; the amount paid for school apparatus, for books and other incidental expenses for the use of school libraries; the amount paid as compensation to township officers and others.

Seventh—The whole amount of the receipts and expenditures for school purposes, together with such other statistics and information in regard to schools as the state superintendent or county superintendent may require.

Forfeiture for failure to report.

And any township from which such report is not received in the manner and time required by law, shall forfeit its portion of the public funds for the next ensuing year: *Provided*, that upon the recommendation of the county superintendent, or for good and sufficient reasons, the state superintendent may remit such forfeiture.

Separate enumeration.

§ 37. In all cases where a township is or shall be divided by a county line or lines, the board of trustees of such township shall make or cause to be made separate enumerations of male and female persons of the ages as directed in the foregoing section of this act, designating separately the number residing in each of the counties in which such township may lie, and forward each respective number to the proper county superintendent of each of said counties; and in like manner, as far as practicable, all other statistics and information enumerated and required to be reported in the aforesaid section, shall be separately reported to the several

county superintendents; and all such parts of said statistical information as are not susceptible of division, and are impracticable to be reported separately, shall be reported to the county superintendent of the county in which the sixteenth section of such township is situated.

Statistics not divisible.

§ 38. At each semi-annual meeting, and at such other meetings as they may think proper, the said township board shall examine all books, notes, mortgages, securities, papers, moneys and effects of the corporation, and the accounts and vouchers of the township treasurer, or other township school officer, and shall make such order thereon for their security, preservation, collection, correction of errors, if any, and for their proper management, as may seem to said board necessary.

Examination by trustees.

§ 39. The board of trustees of each township in the state may receive any gift, grant, donation or devise made for the use of any school or schools, or library, or other school purposes within their jurisdiction; and they shall be and are hereby invested, in their corporate capacity, with the title, care and custody of all school houses and school house sites; but the supervision and control of them is expressly vested in the directors of each district in which said property is situated, who may grant the temporary use of school houses, when not occupied by schools, for religious meetings and Sunday schools, for evening schools and for literary societies, and for such other meetings as the directors may deem proper; and when, in the opinion of the school directors, the school house site or the buildings have become unnecessary, or unsuitable, or inconvenient for a school, said board of trustees, on petition of a majority of the voters of the district, shall sell and convey the same in the name of the said board, after giving at least twenty days' notice of such sale, by posting up written or printed notices thereof, particularly describing said property and terms of sale; and such conveyance shall be executed by the president and clerk of said board, and the avails shall be paid over to the township treasurer for the benefit of said district; and all conveyances of real estate which may be made to said board, shall be made to said board in their corporate name, and to their successors in office.

Title of school houses.

Directors to have control of school houses—may grant use of

Sale of school houses.

§ 40. The township board shall cause all moneys for the use of the townships and districts to be paid over to the township treasurer, who is hereby constituted and declared to be the only lawful depositary and custodian of all township and district school funds. They shall have power also to remove the township treasurer at any time, for any failure or refusal to execute or comply with any order or requisition of said board, legally made, or for any other improper conduct in the discharge of his duty as treasurer. They shall also have power, for any failure or refusal, as aforesaid, to sue him upon his bond.

Township treasurer only lawful custodian.

May remove township treasurer.

May sue.

§ 41. The township trustees are hereby vested with general power and authority to purchase real estate, if, in their opinion, the interests of the township fund will be promoted thereby, in satisfaction of any judgment or decree wherein the said board or county superintendent are plaintiffs or complainants; and the title of such real estate so purchased shall vest in said board, for the use of the inhabitants of said township, for school purposes. The said board are hereby vested with general power and authority to make all settlements with persons indebted to them in their official capacity; or receive deeds of real estate in compromise; and to cancel, in such manner as they may think proper, notes, bonds, mortgages, judgments and decrees, existing, or that may hereafter exist, for the benefit of the township, when the interest of said township, or the fund concerned, shall, in their opinion, require it; and their action shall be valid. Said board of trustees are hereby authorized to lease or sell, at public auction, any land that may come into their possession, in such manner and on such terms as they shall deem for the interests of the township: *Provided*, that in all cases of sale of land as provided in this section, the sale shall be made at the same place, and notice given of it in the same manner, as is provided in this act for the sale of the sixteenth section; and all such sales shall be by public auction.

SCHOOL DIRECTORS—THEIR ELECTION AND DUTIES.

§ 42. The annual election of school directors shall be on the first Saturday of April, when one director shall be elected in each district, who shall hold his office for three years, and until his successor is elected. In new districts the first election may be on any Saturday, notice being given by the township treasurer, as for the election of trustees, when three directors shall be elected, who shall, at their first meeting, draw lots for their respective terms of office, for one, two and three years. When vacancies occur, the remaining director or directors shall, without delay, order an election to fill such vacancies. Notices of all elections in organized districts shall be given by the directors, at least ten days previous to the day of said election. Said notices shall be posted in at least three of the most public places in the district, and shall specify the place where such election is to be held, the time of opening and closing the polls, and the question or questions to be voted on. Should the directors fail or refuse to order any regular or special election as aforesaid, it shall be the duty of the township treasurer to order such election; and if he fails to do so, then it shall be the duty of the county superintendent to order such election of directors within ten days, in each case of such failure or refusal; and the election held in pursuance of such order shall be valid the same as if ordered by

the directors. Two of the directors ordering the election shall act as judges and one as clerk of said election. But if said directors, or any of them, shall fail to order an election, to attend, or refuse to act when present, and in unorganized districts, the legal voters, when assembled, shall choose such additional number as may be necessary to act as two judges and a clerk of said election: *Provided*, that if upon the day appointed for said election the said directors or judges shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, shall desire it, they shall postpone said election until the next Saturday, at the same place and hour, when the voters shall proceed as if it were not an adjourned meeting: *And, provided*, also, that if notice shall not have been given as above required, then said election may be ordered as aforesaid, and holden on the third Saturday in April, or any other Saturday; notice thereof being given as aforesaid. In case of a tie, the judges shall decide it by lot on the day of election. The directors shall appoint one of their number president and another of their number clerk, who shall keep a record of all the official acts of the board, in a well bound book provided for the purpose, which record shall be submitted to the township treasurer, for his inspection and approval, on the first Mondays of April and October, and at such other times as the township treasurer may require. The clerk of each board of school directors shall report to the township treasurer of the proper township, on or before the first Monday of October, annually, such statistics and other information in relation to the schools of their respective districts as the township treasurer is required to embody in his report to the county superintendent, and the particular statistics to be so reported shall be determined and designated by the state superintendent of public instruction. At the annual election of director, the directors shall make a detailed report of their receipts and expenditures to the voters there present, a copy of which shall be transmitted to the township treasurer within five days of the time of said election. They shall also report the number and names of persons above the age of twelve years and under twenty one, residing in the district, who are unable to read and write, and the causes of the neglect to educate them. Directors are authorized to use any funds belonging to their district, and not otherwise appropriated, for the purchase of a suitable book for their records, and the said records shall be kept in a punctual, orderly and reliable manner. They may also, where they deem the amount of labor done sufficient to justify it, allow out of such funds a compensation to said clerk for duties actually performed. Within ten days after every election of directors the judges shall cause the poll book to be delivered to the township treasurer, with a certificate

Judges.

Postponement.

Election on any Saturday.

Tie.

Records.

Reports.

Number unable to read and write.

May compensate clerk.

Poll book..

thereon showing the election of said directors and names of the persons elected; which poll book shall be filed by the township treasurer, and shall be evidence of said election.

Penalty. For failure to deliver said poll book within the time prescribed, the judges shall be liable to the same penalty as is prescribed in section thirty, which penalty may be recovered in the same manner as is provided in said section, and when collected, shall be added to the district funds.

Resident. If any trustee or director shall not be an inhabitant of the district or township which he represents, an election shall be ordered to fill the vacancy; and no person shall be at the same time a director and trustee, nor shall a director or trustee be interested in any contract made by the board of which he is a member.

Director cannot be trustee.

Contracts.

Power to tax. § 43. For the purpose of establishing and supporting free schools for not less than five nor more than nine months in each year, and defraying all the expenses of the same, of every description; for the purpose of repairing and improving school houses; of procuring furniture, fuel, libraries and apparatus, and for all other necessary incidental expenses, the directors of each district shall be authorized to levy a tax annually upon all the taxable property of the district, not to exceed two per cent. for educational, and three per cent. for building purposes, to be ascertained by the last assessment for state and county taxes. They may also appropriate to the purchase of libraries and apparatus any surplus funds, after all necessary school expenses are paid.

Limitations.

Certificate of tax. § 44. The directors of each district shall ascertain, as nearly as practicable, annually, how much money must be raised by special tax for school purposes during the ensuing year, which amount shall be certified and returned to the township treasurer, on or before the first Monday of September, annually. The certificate of the directors may be in the following form, viz:

We hereby certify that we require the amount of to be levied as a special tax for school purposes, on the taxable property of our district, for the year 18..

Given under our hands this .. day of .., 18..

A B.) *Directors district No. .., township*
 C D.) *No. .., range No. .., county of ..,*
 E F.) *state of Illinois.*

Time of return. It shall be the duty of the township treasurer to return said certificates to the county clerk, on or before the second Monday of September; and whenever the boundaries of the districts of the township shall have been changed, the township treasurer shall return to the county clerk, with the certificates, a map of the township, showing such changes, and certified as required in the thirty third section of this act. When a district lies partly in two or more counties, the directors shall determine and certify the amounts to be levied on the taxable property lying in each

Map.

District in two counties.g —

county, and return the same to the township treasurer, who shall return them to the respective county clerks, as hereinbefore provided.

§ 45. According to the amounts certified as aforesaid, the said county clerk, when making out the tax books for the collector, shall compute each taxable person's tax in said district, upon the total amount of taxable property as equalized by the state board of equalization for that year, lying and being in said district, whether belonging to residents or non-residents, and also each and every tract of land assessed by the assessor, which lies, or the largest part of which lies in said district. The said county clerk shall cause each person's tax so computed to be set upon the tax book to be delivered to the collector for that year, in a separate column, against each taxpayer's name or parcel of taxable property, as it appears in said collector's book, to be collected in the same manner and at the same time, and by the persons as state and county taxes are collected. County clerk to compute tax.

It shall be the duty of assessors, when making assessments of personal property, to designate the number of the school district in which each person so assessed resides; which designation shall be made by writing the number of such district opposite each person's assessment of personal property, in a column provided for that purpose in the assessment roll returned by the assessor to the county clerk. Collection of district tax.

It shall be the duty of the county clerk to copy said numbers of school districts, as returned by the assessor, into the collector's book, and to extend the school tax on each person's assessment of personal property according to the rate required by the amount designated by the directors of the school district in which such person resides. It is hereby made the duty of the proper officers, in preparing blank books and notices for the use of assessors, to provide columns and blanks for the use of assessors as above described. Assessors to note district.

The computations of each person's tax, and the levy made by the clerk as aforesaid, shall be final and conclusive: *Provided*, the rate shall be uniform, and shall not exceed that required by the amount certified by the board of directors; and the said county clerk, before delivering the tax book to the collector, shall make out and send by mail to each township treasurer of the respective townships in the county, a certificate of the amount due each district, or fraction of a district in his township, of said tax, so levied and placed upon the tax books; and on or before the first day of April next after the delivery of the tax books containing the computation and levy of said taxes aforesaid, or so soon thereafter as the township treasurer shall present the said certificate of the amount of said tax, and make a demand therefor, the said collector shall pay to said township treasurer the full amount of said tax so certified by the county clerk, or in case any part Duty of county clerk.

Tax to be uniform.

Certificate of amount due each district.

Collector to pay to township treasurer.

thereof remains uncollected, said collector shall, in addition to the amount collected, deliver to said township treasurer a statement of the uncollected taxes for each district of such township, taking of the township treasurer his receipt therefor, which receipt shall be evidence, as well in favor of the collector as against the township treasurer; and said treasurer shall enter the amount collected in his books, under the proper heads, and pay the same out as provided for by this act.

Failure of collector to pay.

§ 46. If any collector shall fail to pay the amount of said tax, or any part thereof, as required in the aforesaid section, it shall be competent for the township treasurer, or other authorized person, to proceed against such collector and his securities in an action of debt in any court of competent jurisdiction; and the said collector, so in default, shall pay twelve per centum upon the amount due, to be assessed as damages, which shall be included in the judgment rendered against him: *Provided*, no collector shall be liable for such part of said tax as he shall be able to make appear he could not have collected by law, until he may be able to so collect such amount.

Vote necessary for borrowing money.

§ 47. For the purpose of building school houses, or purchasing school sites, or for repairing and improving the same, the directors, by a vote of the people, at an election called and conducted as required in the forty-second section of this act (a majority of the votes cast shall be necessary to authorize the directors to act), may borrow money, issuing bonds executed by the officers, or at least two members of the board, in sums of not less than one hundred dollars; but the rate of interest shall not exceed ten per cent. nor shall the sum borrowed in any one year exceed five per cent. (including previous indebtedness) of the taxable property of the district, to be ascertained by the last assessment for the state and county taxes previous to the incurring of such indebtedness, nor shall the tax levied in any one year for building school houses, exceed three per cent. of said taxable property, except to pay indebtedness contracted previous to the passage of this act.

Tax limited to three per cent.—exception.

Directors body politic.

§ 48. The directors of each district are hereby declared a body politic and corporate, by the name of "School Directors of District No., Township No., County of, and State of Illinois," and by that name may sue and be sued in all courts and places whatever. Two directors shall be a quorum for business. The directors shall be liable as directors for the balance due teachers, and for all debts legally contracted. They shall establish and keep in operation, for at least five months in each year, and longer if practicable, a sufficient number of free schools for the proper accommodation of all children in the district over the age of six and under twenty-one years, and shall secure to all such children the right and opportunity to an equal

Liable for balances due teachers.

Powers and duties.

education in such free schools. They shall adopt and enforce all necessary rules and regulations for the management and government of the schools, and shall visit and inspect the same, from time to time, as the good of the schools may require. They shall appoint all teachers, fix the amount of their salaries, and may dismiss them for incompetency, cruelty, negligence, immorality or other sufficient cause. They shall have power to assign pupils to the several schools. They shall direct what branches of study shall be taught, and what text-books and apparatus shall be used in the several schools, and strictly enforce uniformity of text-books therein, but shall not permit text-books to be changed oftener than once in four years. They may suspend or expel pupils for incorrigibly bad conduct, and no action shall lie against them for such expulsion or suspension; and may provide that children under twelve (12) years of age shall not be confined in school more than four hours daily. It shall not be lawful for a board of directors to purchase or locate a school house site, or to purchase, build or move a school house, or to levy a tax to extend schools beyond nine months, without a vote of the people, at an election called and conducted as required in the forty-second section of this act. A majority of the votes cast shall be necessary to authorize the directors to act: *Provided*, that if no one locality shall receive a majority of all the votes cast at such election, the directors may, if in their judgment the public interests require it, proceed to select a suitable school house site; and the site so chosen by them shall, in such case, be legal and valid, the same as if it had been determined by a majority of the votes cast.

Rules and regulations.

Text books.

Vote required.

May select school site.

OF JUDGMENTS AND EXECUTIONS AGAINST BOARDS OF TRUSTEES OR SCHOOL DIRECTORS.

§ 49. If judgment shall be obtained against any township board of trustees or school directors, the party entitled to the benefit of such judgment may have execution therefor, as follows, to-wit: It shall be lawful for the court in which such judgment shall be obtained, or to which such judgment shall be removed by transcript or appeal from a justice of the peace, or other court, to issue thence a writ, commanding the directors, trustees and treasurer of such township to cause the amount thereof, with interest and costs, to be paid to the party entitled to the benefit of said judgment, out of any moneys unappropriated, of said township or district, or, if there be no such moneys, out of the first moneys applicable to the payment of the kind of services or indebtedness for which such judgment shall be obtained, which shall be received for the use of such township or district, and to enforce obedience to such writ by attachment, or by *mandamus*, requiring such board to levy a tax for the payment

Payment compelled.

of said judgment; and all legal process, as well as writs to enforce payments of a judgment, shall be served either on the president or clerk of the board.

EXAMINATION AND QUALIFICATIONS OF TEACHERS.

Qualifications
branches.

§ 50. No teacher shall be authorized to teach a common school under the provisions of this act, who is not of good moral character, and qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, the elements of the natural sciences, the history of the United States, physiology, and laws of health.

Two grades of
certificates.

It shall be the duty of the county superintendent to grant certificates to such persons as may, upon due examination, be found to possess the necessary qualifications—said examination to be conducted by himself and two competent and discreet persons, to be appointed by the county board, at their first meeting after the election of county superintendent, if they deem such appointment expedient. Said certificates shall be of two grades: those of the first grade shall be valid for two years; those of the second grade, for one year. The county superintendent or board of examiners may, at their option, renew said certificates, at their expiration, by their indorsement thereon, and may revoke the same at any time, for immorality, incompetency or other just cause. Said certificates may be in the following form, viz:

Renewal and
revocation

....., ILLINOIS,, 18..
..... County.

Form of certi-
ficate.

The undersigned, having examined in orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, the elements of the natural sciences, the history of the United States, physiology and laws of health, and being satisfied that is of good moral character, hereby certifies that qualifications in the above branches are such as to entitle to this certificate, being of the grade, and valid in said county for year from the date hereof, renewable at the option of the county superintendent by his indorsement thereon.

Given under my hand and seal, at the date aforesaid.

A B, *County Superintendent of Schools.*
C D, }
E F, } *Examiners.*

Graduates of
county normal
schools.

In any county in which a county normal school is established under the control of a county board of education, the diplomas of graduates in said normal school shall, when directed by said board, be taken by the county superintendent or the board of examiners as sufficient evidence of qualifications to entitle the holder to a first grade certificate.

Record.

Each county superintendent shall also keep a record, in a book provided for that purpose, of all teachers to whom he grants certificates. Said record shall show the date and grade of each certificate granted, and the name, age and nativity of each teacher; and shall give the names, etc., of male and female teachers separately. Said record may be as follows, viz:

Name.	Age.	Nativity.	Date.	Grade.	Remarks.
Charles Thompson	25	Illinois	March 1, 1864	1	Has taught five years.

A copy or transcript of said record shall be transmitted by the county superintendent, with his regular report, to the state superintendent. The state superintendent of public instruction is hereby authorized to grant state certificates to such teachers as may be found worthy to receive them, which shall be of perpetual validity in every county and school district in the state. But state certificates shall only be granted upon public examination, of which due notice shall be given, in such branches and upon such terms and by such examiners as the state superintendent and the principals of the normal universities may prescribe. Said certificates may be revoked by the state superintendent upon proof of immoral or unprofessional conduct. Every school established under the provisions of this act shall be for the purpose of instruction in the branches of education prescribed in the qualifications for teachers, and in such other branches, including vocal music and drawing, as the directors or the voters of the district, at the annual election of directors, may prescribe: *Provided*, that county superintendents or boards of examiners may, on request of directors, grant certificates to teachers who do not possess the qualifications for teaching the elements of natural science, physiology, or the laws of health.

State certificates.

Kind of schools required.

Additional branches — exception.

§ 51. It shall be the duty of the county superintendent or the board of examiners, as the case may be, to hold meetings at least quarterly, and oftener if necessary, for the examination of teachers, on such days and at such places in the respective counties as will, in their opinion, accommodate the greatest number of persons desiring such examination. Notice of such meetings shall be published a sufficient length of time, in at least one newspaper of general circulation, the expense of such publication to be paid out of the school fund. The county superintendent or board of examiners shall, in no case, exact or receive any fee for certificates.

Quarterly examinations.

Notice.

No fee.

TEACHERS—THEIR DUTIES.

§ 52. No teacher shall be entitled to any portion of the common school or township fund, or other public fund, or be employed to teach any school under the control of any board of directors of any school district in this state, who shall not, at the time of his employment, have a certificate of qualification obtained under the provisions of this act; nor shall any teacher be paid any portion of the school or public

Teachers must possess certificate before employment.

Must return fund aforesaid, unless he shall have kept and furnished schedules as herein directed, and shall have satisfactorily accounted for the books, apparatus and other property of the district that he may have taken in charge.

§ 53. Teachers shall make schedules of the names of all scholars under twenty one years of age attending their schools, in the form prescribed by this act ; and when scholars reside in two or more districts, townships or counties, separate schedules shall be kept for each district, township or county ; and the absence or presence of every scholar shall be set down under the proper date, and opposite the name, on every day that school is open, and the absence of a scholar shall be signified by a blank—the presence by a mark. The schedule to be made and returned by the teacher shall be, as near as circumstances will permit, in the following form, viz :

SCHEDULE of a common school kept by A B, at , in district number , in township number , range number , of the principal meridian, in the county of , in the state of Illinois :

Names and ages of scholars attending my school, and residing in district number —, in township — north, range — west, in — county.		1855.	Monday,	Tuesday,	Wednesday,	Thursday,	Friday,	Saturday,	Sunday,	Monday,	Tuesday,	Wednesday,	Thursday,	Friday,	Saturday,	Sunday,	Total No. of days each scholar.
Names.	Age																
John Smith.	10		1	1		1	1	1	1	1	1		1	1			15
Isaac Meslier.	13			1			1	1	1	1	1						11
Sarah Danforth. . . .	16	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20
Mary Newman. . . .	19	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	19
Grand total number of days.																	65
					Males.			Females.			Total.						
Number of scholars.					2			2			4						
Average daily attendance.											3.2						

Teacher to certify. And said teacher shall add up and set down the whole number of days' attendance of each scholar, and add up said whole numbers, and make out the grand total number of days' attendance. He shall also note the whole number of scholars, giving the males and females separately ; the average daily attendance ; and shall set the age of each

pupil opposite the name of said pupil, as in the form above prescribed, and shall attach thereto his certificate, which shall be in the following form, viz :

I certify that the foregoing schedule of scholars attending my school, as therein named, and residing as specified in said schedule, to the best of my knowledge and belief, is correct.

A B, *Teacher.*

When the teacher shall have completed his or her schedule or schedules, as above required, he or she shall deliver it to some one of the directors; and it shall be the duty of said director, in connection with one other director of the board, to carefully examine such schedule or schedules, and, after correcting all errors, if they shall find such schedule to have been kept according to law, they shall certify to the same as near as practicable, in the following form, viz :

Schedule to be delivered to directors.

Directors to certify.

STATE OF ILLINOIS, }
.... County. } ss.

We, the undersigned, directors of, in township number, range number, in the county aforesaid, certify that we have examined the foregoing schedule and find the same to be correct, and that the school was conducted according to law. That there is now due said C D, teacher, as per contract, the sum of dollars and cents, and that the said teacher has a legal certificate of good moral character, and of qualification to teach a common school (or of such grade as the case may be), and that the property of the district in charge of such teacher has been satisfactorily accounted for.

Witness our hands, this day of, A. D. 18..

A B, }
C D, } *Directors.*

Which schedule or schedules, certified as aforesaid, by at least two directors, shall be filed by said directors with the township treasurer; and until such schedule and report, as aforesaid, shall have been filed as aforesaid, it shall not be lawful for said treasurer to pay said teacher, or any two members thereof to draw an order in favor of said teacher.

Schedule to be filed with treasurer by directors.

§ 54. School directors shall certify no schedule that reaches back to a time more than six months from the time fixed by law for the regular return of schedules to the township treasurer. Schedules made and certified as aforesaid, shall, at least two days before the first Monday in April and October, be delivered by the directors to the township treasurer. The director, or directors, to whom the schedule is delivered by the teacher, shall receipt for the same; which receipt shall be evidence in favor of the teacher, and against the director or directors; and the directors shall be personally liable for any loss sustained by the teacher through their failure to deliver the schedule to the township treasurer within the time fixed by law. Teachers' schedules are hereby declared payable monthly, upon the presentation of schedules, duly certified by the directors; and for any portion of the amount certified in said schedules, by the directors, to be due, and remaining unpaid after the same becomes due, teachers shall be entitled to interest at the rate

Limit of time.

Receipt.

Liability.

Payable monthly.

Interest.

School month.

of ten (10) per cent. per annum, until paid; and it is hereby made the duty of all school directors, trustees and township treasurers, to allow and pay said rate of interest upon all unpaid balances due teachers, as aforesaid; and said balances shall be paid out of the first moneys coming into the hands of the township treasurer, to the credit of the proper district, and not otherwise previously and specifically appropriated. The school month shall comprise twenty-two school days actually taught. Teachers shall not be required to teach on legal holidays, thanksgiving, or fast days appointed by state or national authority.

TOWNSHIP TREASURER—HIS DUTIES.

Bond of township treasurer.

Approval.

Penalty of bond

Form of bond.

§ 55. The township treasurer, appointed by the board of trustees, shall, before entering upon his duties, execute a bond, with two or more freeholders, who shall not be members of the board, as securities, payable to the board of the township for which he is appointed treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of township treasurer, in township . . . , range . . . , in county, according to law. The bond shall be approved by at least a majority of the board, and shall be delivered by one of the trustees to the county superintendent of the proper county. And in all cases where such treasurer aforesaid is to have the custody of all bonds, mortgages, moneys and effects denominated principal, and belonging to the township for which he is appointed treasurer, the penalty of said treasurer's bond shall be twice the amount of said bonds, notes, mortgages, moneys and effects. The penalty of said bond shall be increased from time to time as the increase of the amount of notes, bonds, mortgages and effects may require. And every township treasurer appointed subsequent to the first, as herein provided, shall execute bond with security as is required of the first treasurer. The bond required in this section shall be in the following form, viz :

STATE OF ILLINOIS, }
 County. } ss.

Know all men by these presents, that we, A B, C D and E F, are held and firmly bound, jointly and severally, unto the board of, in said county, in the penal sum of . . . dollars, for the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents.

In witness whereof we have hereunto set our hands and seals, this . . . day of, A D 18..

The condition of the above obligation is such, that if the above bounden A B, township treasurer of township . . . , range . . . , in the county aforesaid, shall faithfully discharge all the duties of said office according to the laws which now are or may hereafter be in force, and shall deliver to his successor in office all moneys, books, papers, securities and property in his hands as such township treasurer, then this obligation to be void: otherwise to remain in full force and virtue.

Approved and accepted by

G H, }
 I J, } Trustees.
 K L, }

A B, [SEAL.]
 C D, [SEAL.]
 E F, [SEAL.]

§ 56 Every township treasurer shall provide himself with two well bound books, the one to be called a cash book, the other a loan book. He shall charge himself in the cash book with all moneys received, stating the charge, when, from whom, and on what account received; and credit himself with all moneys paid or loaned, stating the amount loaned, the date of the loan, the rate of interest, the time when payable, the name of the securities, or, if real estate be taken, a description of the same. He shall also enter, in separate accounts, moneys received and moneys paid out, charging the first to debit account, and crediting the latter as follows, to-wit:

First—The principal of the township fund, when paid in and when paid out.

Second—The interest of the township fund, when received and when paid out.

Third—The common school fund and other funds, when received from the county superintendent, and when paid out.

Fourth—The taxes received from the county or town collector, distinguishing between that for general school purposes and that levied for the purpose of prolonging schools.

Fifth—Donations received.

Sixth—Moneys coming from all other sources; and in all cases entering the date when received and when paid out. And he shall also arrange and keep his books and accounts in such other manner as may be directed by the state or county superintendent, or the board of trustees. He shall also provide a book, to be called a journal, in which he shall record, fully and at length, the acts and proceedings of the board, their orders, by-laws and resolutions. And he shall also provide a book, to be called a record, in which he shall enter a brief description of all notes or bonds belonging to the township, and upon the opposite page he shall note down when paid, or any remarks to show where or in what condition it is, as in the following form, viz:

Record of notes and bonds.

Makers' names.	Date of note.	When due.	Amount.	Remarks.
A B, C D, E F.	January 1st, 18—.	January 1st, 18—.	\$90 00	January 6, 18—, handed to J J for collection, (or January 6, 18—, paid).

All the books and accounts of the treasurer shall at all times be subject to the inspection of the trustees, directors or other person authorized by this act, or by any committee appointed by the voters of the township at the annual election of trustee, to examine the same.

Subject to inspection.

§ 57. Township treasurers shall loan, upon the following conditions, all moneys which shall come to their hands by virtue of their office, except such as may be subject to dis-

Loans.

Rate of interest. tribution. The rate of interest shall not be less than eight per cent., nor more than ten per cent. per annum, payable half yearly in advance; the rate of interest to be determined by a majority of the township trustees, at any regular or special meeting of their board. No loans shall be made for less than six months, or more than five years. For all sums not exceeding one hundred dollars, loaned for not more than one year, two responsible sureties shall be given; for all sums over one hundred dollars, and for all loans for more than one year, security shall be given by mortgage on real estate, unincumbered, in value double the amount loaned, with a condition that in case additional security shall at any time be required, the same shall be given to the satisfaction of the board of trustees for the time being: *Provided*, that nothing herein shall prevent the loaning of township funds to boards of school directors, taking bonds therefor, as provided in section forty-seven of this act.

Security. Loans may be made to directors. Notes, bonds, mortgages and other securities taken for money or other property, due or to become due to the board of trustees for the township, shall be payable to the said board by their corporate name; and in such name suits, actions and complaints, and every description of legal proceedings, may be had for the recovery of money, the breach of contracts, and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of this corporation: *Provided, however*, that notes, bonds, mortgages and other securities in which the name of the county superintendent or of the trustees of schools are inserted, shall be valid to all intents and purposes; and suit shall be brought in the name of the board of trustees as aforesaid. The wife of the mortgagor (if he has one) shall join in the mortgage given to secure the payment of money loaned by virtue of the provisions of this act. Where there is a surplus of funds in the treasurer's hands belonging to any school district, he may loan the same for the use and benefit of said district, upon the written request of the directors of such district, and not otherwise; and all such loans shall be on the same conditions as are prescribed in this section for the loaning of township funds.

Valid in other names. Surplus. Form of mortgage. § 58. Mortgages, to secure the payment of money loaned under the provisions of this act, may be in the following form, viz:

I, A B, of the county of, and state of, do hereby grant, convey and transfer to the board of trustees of township, range, in the county of, and state of Illinois, for the use of the inhabitants of said township, the following described real estate, to-wit: (Here insert premises.) Which real estate I declare to be in mortgage for the payment of dollars loaned to me, and for the payment of all interest that may accrue thereon, to be computed at the rate of per cent. per annum until paid. And I do hereby covenant to pay the said sum of money in years from the date hereof, and to pay interest on the same at the rate aforesaid, half-yearly, in advance. I further covenant that I have a good and valid title to

said estate, and that the same is free from all incumbrance; and that I will pay all taxes and assessments which may be levied on said estate; and that I will give any additional security that may at any time be required, in writing, by said board of trustees; and if said estate be sold to pay said debt, or any part thereof, or for any failure or refusal to comply with or perform the conditions or covenants herein contained, I will deliver immediate possession of the premises; and we, A B, and C, wife of A B, hereby release all right to the said premises which we may have by virtue of any homestead laws of this state; and in consideration of the premises, C, wife of said A B, doth hereby release to the said board all her right and title of dower, in the aforegranted premises, for the purposes aforesaid.

In testimony whereof, we have hereunto set our hands and seals this day, 18..

A B, [SEAL.]
C D, [SEAL.]

Which mortgage shall be acknowledged and recorded as is required by law for other conveyances of real estate, the mortgagor paying the expenses of acknowledgment and recording.

Mortgage to be recorded.

§ 59. Upon the breach of any condition or stipulation contained in said mortgage, an action may be maintained and damages recovered as upon other covenants; but mortgages made in any other form to secure payment, as aforesaid, shall be valid as if no form had been prescribed. In estimating the value of real estate mortgaged to secure the payment of money loaned under the provisions of this law, the value of improvements liable to be destroyed shall not be included.

Action on mortgage.

§ 60. In all cases where the board of trustees shall require additional security for the payment of money loaned, and such security shall not be given, the township treasurer shall cause suit to be instituted for the recovery of the same, and all interest thereon, to the date of judgment: *Provided*, that proof be made of the said requisition. In the payment of debts by executors and administrators, those due the common school or township fund shall have a preference over all other debts, except funeral and other expenses attending the last sickness, not including the physician's bill. And it shall be the duty of the township treasurer to attend at the office of the probate justice, upon the proper day, as other creditors, and have any debts, as aforesaid, probated and classed, to be paid as aforesaid.

Additional security.

Preference given to debts due school fund.

§ 61. If default be made in the payment of interest due upon money loaned by any county superintendent or township treasurer, or in the payment of the principal, interest at the rate of twelve per cent. per annum shall be charged upon the principal and interest from the day of default, which shall be included in the assessment of damages, or in the judgment in suit or action brought upon the obligation to enforce payment thereof; and interest as aforesaid may be recovered in action brought to recover interest only. And the said township treasurers are hereby empowered to bring appropriate actions, in the name of the board of trustees, for the recovery of the half-yearly interest, when due

Default in payment—penalty.

Action to recover interest.

and unpaid, without suing for the principal, in whatever form secured, and justices of the peace shall have jurisdiction in such cases of all sums of two hundred dollars.

Manner of bringing suits.

§ 62. All suits brought, or actions instituted under the provisions of this act, may be brought in the name of the "Board of Trustees of Township . . . , Range . . . ," except as is provided for action *qui tam* in this act, or in favor of county superintendents. The township treasurer shall demand, receive and safely keep, according to law, all moneys, books and papers of every description belonging to his township. He shall keep the township fund loaned at interest; and if, on the first Monday in October in any year, there shall be any interest or other funds on hand which shall not be required for distribution, such amount, not required as aforesaid, may, if the board of trustees see proper, forever be considered as principal in the funds to which it belongs, and loaned as such.

Duties of township treasurer.

Treasurer's report to trustees.

§ 63. On the first Mondays of April and October, of every year, the township treasurer shall lay before the board of trustees a statement, showing the amount of interest, rents, issues and profits that have accrued or become due since their last regular half-yearly meeting, on the township lands and township funds, and also the amount of state and county fund interest on hand. He shall also lay before the said trustees all books, notes, bonds, mortgages, and all other evidence of indebtedness belonging to the township, for the examination of the trustees, and shall make such other statement as the board may require touching the duties of his office. The township treasurer shall also, on the first Mondays of April and October of each year, make a full settlement with the respective boards of directors in his township, and shall deliver to the clerk of each of said boards, on demand, a statement or exhibit, showing the exact condition of the account of each district, and the amount of funds of every description in his hands, to the credit of and belonging to each district, respectively, and subject to the order of the directors thereof. He shall make out, annually, and present at the meeting of the board of trustees succeeding the annual election, a complete exhibit of the fiscal affairs of the township and of the several districts, showing the receipts of moneys, and the sources from which they have been derived, and the deficit and delinquencies, if there be any, and their cause, as well as a classified statement of moneys paid out, and amount of obligations remaining unpaid.

Exhibit to directors.

Exhibit to trustees.

Treasurer liable for failure.

§ 64. For any failure or refusal to perform all the duties required of township treasurer by law, he shall be liable to the board of trustees upon his bond, to be recovered by action of debt by said board, in their corporate name, for the use of the proper township, before any court having jurisdiction of the amount of damages claimed; but if said treas-

urer, in any such failure or refusal, acted under and in conformity to a requisition or order of said board, or a majority of them, entered upon their journal and subscribed by their president and clerk, then and in that case the members of the said board, aforesaid, or those of them voting for said requisition or order, aforesaid, and not the treasurer, shall be liable, jointly and severally, to the inhabitants of the township, to be recovered by an action of assumpsit, in the official name of the county superintendent of schools, for the use of the proper township.

Not liable when acting under orders of board.

§ 65. When a township treasurer shall resign, or be removed, and at the expiration of his term of office, he shall pay over to his successor in office all money on hand, and deliver over all books, notes, bonds, mortgages, and all other securities for money, and all papers and documents of every description, in which the corporation may have any interest whatever; and in case of the death of the township treasurer, his securities and legal representatives shall be bound to comply with the requisitions of this section. And for any failure to comply with the requisitions of this section he shall be liable to a penalty of not less ten nor more than one hundred dollars, at the discretion of the court before which judgment may be obtained; and the obtaining or payment of said judgment shall in nowise discharge or diminish the obligation of his official bond.

Bonds, securities, etc., to be turned over to successor.

Penalty and judgment.

TOWNSHIP AND COUNTY SCHOOL FUNDS.

§ 66. All bonds, notes, mortgages, moneys and effects, which have heretofore accrued, or may hereafter accrue, from the sale of the sixteenth section of the common school lands of any township or county, or from the sale of any real estate or other property, taken on any judgment or for any debt due to the principal of any township or county fund, and all other funds of every description, which have been or may hereafter be carried to and made part of the principal of any township or county fund, by any law which has heretofore been, is now, or may hereafter be enacted, are hereby declared to be and shall forever constitute the principal of the township or county fund, respectively, and no part thereof shall ever be distributed or expended for any purpose whatever, but shall be loaned out, and held to use, rent or profit, as provided by law. But the interest, rents, issues and profits, arising and accruing from the principal of said township or county fund, shall be distributed in the manner and at the times as provided in this act; nor shall any part of such interest, rents, issues and profits be carried to the principal of the respective funds, except as provided in section sixty-two of this act.

Sale of sixteenth section.

Principal of township fund.

Interest distributed.

All funds to be paid out on orders of directors.

§ 67. School funds collected from special taxes, levied by order of school directors, or from the sale of property belonging to any district, shall be paid out on the order of the proper board of directors; and all other moneys and school funds, liable to distribution, paid into the township treasury, or coming into the hands of the township treasurer, shall, after said funds have been apportioned by the township trustees, as required in section thirty-four of this act, be paid out only on the order of the proper board of directors, signed by the president and clerk of said board, or by a majority of such board. For all payments made, receipts shall be taken and filed. In all such orders shall be stated the purpose for which, or on what account drawn. Said orders may be in the following form, viz:

Form of order.

The treasurer of township No., range No., in county, will pay to, or bearer, dollars and cents, (on his contract for repairing school house, or whatever the purpose may be).

By order of the board of directors of district No. ... , in said township.

C D, *Clerk.*

A B, *President.*

Receipt to be filed.

Which order, together with the receipt of the person to whom paid, shall be filed in the office of the township treasurer.

COMMON SCHOOL FUNDS.

Two-mill tax, etc.

§ 68. The common school fund of this state shall consist of the proceeds of a two mill tax, to be levied upon each dollar's valuation of the property in the state annually, until otherwise provided by law; the interest on what is known as the "School Fund" proper, being three per cent. upon the net proceeds of the sales of the public lands in this state, one-sixth part excepted, and the interest on what is known as the "Surplus Revenue," distributed by act of congress, and made a part of the common school fund by act of the legislature, March four, eighteen hundred and thirty-seven.

State to pay interest.

§ 69. The state shall pay the interest mentioned in the next preceding section at the rate of six per cent. per annum, annually, to be paid into and become a part of said school fund.

Auditor to make a dividend and issue warrants.

§ 70. On the first Monday in January, in each and every year next after taking the census of the state, the auditor of public accounts shall ascertain the number of children in each county in the state, under twenty-one years of age, and shall thereupon make a dividend to each county of the sum from the tax levied and collected under the provisions of the sixty-eighth section of this act, and of the interest due on the school fund proper and surplus revenue, in proportion to the number of children in each county under the age aforesaid, and issue his warrant to the superintendent of schools of each county upon the collector thereof. And upon presentation of said warrant by the county superintendent to the collector of his county, said

Basis of.

collector or treasurer shall pay over to the county superintendent the amount of said warrant out of the first funds which may be collected by him, and not otherwise appropriated by law, taking said superintendent's receipt therefor. The warrants issued by the auditor of public accounts for the school fund tax and for the interest of the school fund proper and surplus revenue, shall be received by the state treasurer in payment of amounts due to the state from county collectors; and on presentation, by the state treasurer, of said warrants to the auditor, he shall issue his warrant to said treasurer on the school fund for the amount of the school fund tax warrants, and on the revenue fund for the amount of the warrants for interest on the school fund proper and surplus revenue. Dividends shall be made as aforesaid, according to the proportions ascertained to be due to each county, annually thereafter, until another census shall have been taken, and then dividends shall be made and continued as aforesaid, according to the last census: *Provided*, that if any collector shall fail or refuse to pay the amount of the aforesaid warrant, or any part thereof, by the first day of March, annually, or so soon thereafter as it may be presented, it shall be competent for the county superintendent to proceed against said collector and his securities in an action of debt, in any court having competent jurisdiction; and the said collector shall pay twelve per centum, to be assessed as damages, upon the amount due, and which shall be included in the judgment obtained against him.

State treasurer
to receive
amounts from
collectors.

Refusal of col-
lector to pay.

COMPENSATION OF OFFICERS.

§ 71. Collectors of the two mill tax, authorized under section sixty-eight of this act, shall be entitled to such compensation as is or may be provided by law for the collection of taxes. County superintendents of schools shall hereafter receive, in full for all services performed by them, such compensation as is or may be fixed by law. Said compensation shall be payable quarterly, out of the county treasury, upon the order of the county clerk; and county boards are authorized to make appropriations for the holding of county teachers' institutes.

Fixed by law.

Appropriations
for institutes.

§ 72. Township treasurers shall receive, in full for their services, a compensation, to be fixed prior to their election, by the board of trustees. Trustees of schools, school directors or other school officers performing like duties, shall be exempted from road labor and from military duty.

Compensation
of treasurers.

Exemption.

LIABILITIES OF OFFICERS.

§ 73. If any county superintendent, trustee of schools, township treasurer, director, or any other person intrusted with the care, control, management or disposition of any

Liable to indict-
ment and im-
prisonment.

school, college, seminary or township fund for the use of any county, township, district or school, shall convert such funds, or any portion thereof, to his own use, he shall be liable to indictment, and upon conviction shall be fined in not less than double the amount of money converted, and imprisoned in the county jail not less than one or more than twelve months, at the discretion of the court.

Trustees liable
for securities of
township treasurers.

§ 74. Trustees of schools shall be liable, jointly and severally, for the sufficiency of securities taken from township treasurers; and in case of judgment against said treasurers and their securities, for or on account of any default of such treasurer, on which the money shall not be made for want of sufficient property whereon to levy execution, actions on the case may be maintained against said trustees jointly or severally, and the amount not collected on said judgment shall be recovered with costs: *Provided*, that if said trustees can show, satisfactorily, that the security taken from the treasurer as aforesaid was, at the time of said taking, good and sufficient, they shall not be liable as aforesaid.

Exception.

Real estate of
school officers
bound.

§ 75. The real estate of county superintendents, of township treasurers, and all other school officers, and of the securities of each of them, shall be bound for the satisfaction and payment of all claims and demands against said superintendents and treasurers and other officers, as such, from the date of issuing process against them, in actions or suits brought to recover such claims or demands, until satisfaction thereof be obtained; and no sale or alienation of real estate by any superintendent, treasurer or other officer, or security aforesaid, shall defeat the lien created by this section, but all and singular such real estate held, owned or claimed as aforesaid, shall be liable to be sold in satisfaction of any judgment which may be obtained in such actions or suits.

Lien.

Failure of trustees to make returns.

§ 76. Trustees of schools, or either of them, failing or refusing to make returns of children in their township, according to the provisions of this act, or if either of them shall knowingly make a false return, the party so offending shall be liable to a penalty of not less than ten dollars, nor more than one hundred dollars, to be recovered by action of assumpsit, before any justice of the peace of the county; which penalty, when collected, shall be added to the township fund; and if any county superintendent, director or trustee, or either of them, or other officer whose duty it is, shall negligently or willfully fail or refuse to make, furnish or communicate the statistics and information, or shall fail to discharge the duties enjoined upon them, or either of them, at the time and in the manner required by the provisions of this act, such delinquent or party offending shall be liable to a fine of twenty-five dollars, to be recovered before any justice of the peace, on information in the name of the People

Fine of twenty-five dollars.

of the State of Illinois, and when collected to be paid to the county superintendent of the proper county, for the use of schools; and any director failing to perform his duties as director, under this act, may be removed by the county superintendent, and a new election ordered, as in other cases of vacancy.

County superintendent may remove director.

§ 77. County superintendents, trustees of schools, directors and township treasurers, or either of them, and any other officer having charge of school funds or property, shall be responsible for all losses sustained by any county, township or school fund, by reason of any failure on his or their part to perform the duties required of him or them by this act, or by any rule or regulation authorized to be made by this act; and each and every one of the officers aforesaid shall be liable for any such loss sustained as aforesaid, and the amount thereof may be recovered in a civil action before any court having jurisdiction thereof, at the suit of the state of Illinois, for the use of the county, township or fund injured; and the amount, when collected, shall be paid to the proper officer, for the benefit of said county, township or fund injured. No county, city, town, township, school district or other public corporation, shall ever make any appropriation or pay from any school fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination whatever; nor shall any grant or donation of money or other personal property ever be made by any such corporation to any church, or for any sectarian purpose; and any officer or other person, having under his charge or direction school funds or property, who shall pervert the same in the manner forbidden in this section, shall be liable to indictment, and upon conviction shall be fined in a sum not less than double the value of the property so perverted, and imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court. No teacher, state, county, township or district school officer, shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this state with which such officer or teacher may be connected, and for offending against the provisions of this section shall be liable to indictment, and upon conviction shall be fined in a sum not less than twenty-five nor more than five hundred dollars and may be imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

Officers responsible for loss of funds.

Perversion of funds to sectarian purposes forbidden.

Interest in school books, etc.

Penalties.

COSTS, TENURE OF OFFICERS AND CONTRACTS UNDER FORMER
LAWS.

Costs not to be
charged.

§ 78. No justice of the peace, probate justice, constable, clerk of any court, or sheriff, shall charge any costs in any suit where any agent of any school fund, suing for the recovery of the same, or any interest due thereon, is plaintiff, and shall be unsuccessful in such suit.

OF CITIES AND INCORPORATED TOWNS.

Special acts
not repealed.

Reports.

Funds to be
withheld.

Institutions of
learning.

§ 79. This act shall not be so construed as to repeal or change, in any respect, any special acts in relation to schools in cities having less than one hundred thousand inhabitants, or incorporated towns, townships or districts, except that it shall be the duty of the several boards of education or other officers of any city or incorporated town, township or district, having in charge schools under the provisions of any of the said special acts, or of any ordinance of any city or incorporated town, on or before the second Monday of October preceding each regular session of the general assembly of this state, or annually, if required so to do by the state superintendent, to make out and render a statement of all such statistics and other information in regard to schools, and the enumeration of persons, as required to be communicated by township boards of trustees or directors under the provisions of this act, or so much thereof as may be applicable to said city or incorporated town, to the county superintendent of the county where such city or incorporated town is situated, or of the county in which the larger part of such city or town is situated; nor shall it be lawful for the county superintendent, or any other officer or person, to pay over any portion of the common school fund to any local treasurer, school agent, clerk, board of education or other officer or person of any township, city or incorporated town, unless a report of the number of persons, and other statistics relative to schools, and a statement of such other information as is required of the boards of trustees or directors, as aforesaid, and of other school officers and teachers, under the provisions of this act, shall have been filed at the time or times aforesaid, specified in this section, with the superintendent of schools of the proper county, as aforesaid. It shall also be the duty of the president, principal or other proper officer of every organized university, college, seminary, academy, or other literary institution, heretofore incorporated or hereafter to be incorporated in this state, to make out or cause to be made out and forwarded to the office of the superintendent of public instruction, on or before the first Monday in November, in

each year, a report setting forth the amount and estimated value of real estate owned by the corporation, the amount of other funds and endowments, and the yearly income from all sources, the number of instructors, the number of students in the different classes, the studies pursued and the books used, the course of instruction, the terms of tuition, and such other matters as may be specially requested by said superintendent, or as may be deemed proper by the president or principal of such institutions, to enable the superintendent of public instruction to lay before the legislature a fair and full exhibit of the affairs and conditions of said institutions, and of the educational resources of the state.

§ 80. Incorporated cities and villages, except such as now have charge and control of free schools by special acts, shall be and remain parts of the school townships in which they are respectively situated, and be subject to the general provisions of the school law, except as otherwise provided in this section. In all school districts having a population of not less than two thousand inhabitants, and not governed by any special act in relation to free schools now in force, there shall be elected, instead of the directors provided by law in other districts, a board of education, to consist of six members and three additional members for every additional ten thousand inhabitants, to be elected in the manner provided by section forty-two of this act for the election of school directors. At the first election of directors succeeding the passage of this act, in any district having a population of not less than two thousand inhabitants by the census of eighteen hundred and seventy, and in such other districts as may hereafter be ascertained by any special or general census to have a population of not less than two thousand inhabitants, at the first election of directors occurring after taking such special or general census, there shall be elected a board of education, who shall be the successors of the directors of the district; and all rights of property and rights and causes of action existing or vested in such directors shall vest in said board of education in as full and complete a manner as was vested in the school directors. Such board, at its first meeting, shall fix by lot the terms of office of its members, so that one-third shall serve for one year, one-third for two years, and one-third for three years; and thereafter one-third of the members shall be elected annually, on the first Saturday in April, to fill the vacancies occurring, and to serve for the term of three years. Such board shall have power, and it shall be their duty, in addition to or inclusive of the powers and duties of school directors:

Cities and villages.

Boards of education.

Term of office.
Powers and duties.

First—To establish and support free schools not less than six nor more than ten months in each year.

Second—To repair and improve school houses, and furnish them with the necessary fixtures, furniture, apparatus, libraries and fuel.

Third—To buy or lease sites for school houses, with the necessary grounds.

Fourth—To establish schools of different grades, and make regulations for the admission of pupils into the same.

Fifth—To levy a tax annually upon the taxable property of the district, in the manner provided by section forty-four of this act, for the purpose of supporting and maintaining free schools in accordance with the powers herein conferred: *Provided*, that it shall not be lawful for such board of education to purchase or locate a school house site, to purchase, build or move a school house, or levy a tax to extend schools beyond the period of ten months in each year, except upon petition of a majority of the voters of the district.

Sixth—To examine and employ teachers, and fix the amount of their salaries.

Seventh—To employ, should they deem it expedient, a competent and discreet person or persons as superintendent or superintendents of schools, and fix and pay a proper salary or salaries therefor; and such superintendent may be required to act as principal or teacher in such schools.

Eighth—To lay off and divide the district into sub-districts, and from time to time to alter the same, create new ones and consolidate them.

Ninth—To visit all the public schools as often as once a month, to inquire into the progress of scholars, and the government of the schools; to prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner. They shall have power to expel any pupil, who may be guilty of gross disobedience or misconduct, and to dismiss and remove any teacher, whenever, in their opinion, he or she is not qualified to teach, or whenever from any cause the interests of the schools may, in their opinion, require such removal or dismissal. They shall have power to apportion the scholars to the several schools. It shall be the duty of the board of education to establish all such by-laws, rules and regulations for the government, and for the establishment and maintenance of a proper and uniform system of discipline in the several schools, as may, in their opinion, be necessary. It shall be the duty of said board to take charge of the school houses, furniture, ground, and other property belonging to the district, and see that the same are kept in good condition, and not suffered to be unnecessarily injured or deteriorated, and also to provide fuel, and such other necessities for the schools as, in their opinion, may be required in the school houses or other property belonging to the district. The said board shall

appoint a president (who shall be one of their own number) and a secretary, and provide themselves with a well bound book, at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings. The yeas and nays shall be taken, and entered on the records of the proceedings of the board, upon all questions involving the expenditure of money. None of the powers herein conferred upon the board of education shall be exercised by them except at a regular or special meeting of the board. The board of education shall annually prepare and publish in some newspaper, or in pamphlet form, a report of the number of pupils instructed in the year preceding, the several branches of education pursued by them, of the number of persons between the ages of twelve and twenty-one unable to read and write, and the receipts and expenditures of each school, specifying the source of such receipts and the objects of such expenditures. All conveyances of real estate shall be made to the township trustees, in trust for the use of schools, and no conveyance of any real estate or interest therein, used for school purposes or held in trust for schools, shall be made except by the board of trustees, upon the written request of such board of education. All moneys raised by taxation for school purposes or received from the state common school fund, or from any other source, for school purposes, shall be held by the township treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants signed by the president and secretary thereof. Any city, incorporated town, township or district in which the free schools are now managed under any special act, may, by vote of its electors, cease to control such schools under such special act, and become a part of the school township in which it is situated, and subject to the control of the trustees thereof, under and according to the provisions of this act. Upon petition of fifty voters of such city, town, township or district, presented to the board having the control and management of schools in such city, town, township or district, it shall be the duty of such board, at the next ensuing election to be held in such city, town, township or district, to cause to be submitted to the voters thereof, giving not less than fifteen days' notice thereof by posting not less than five notices in the most public places in such city, town, township or district, the question of "Organization under the Free School Law;" and if it shall appear, on a canvass of the returns of said election, that a majority of the votes cast at such election are "For Organization under the Free School Law," then at the next ensuing regular meeting of the board of trustees of the township or townships in which such city, incorporated town, township or district is situated, said trustees shall proceed to redistrict the township or townships as aforesaid, in such manner as shall suit the

Expenditures.

Report to be published.

Township treasurer to have change of funds.

Special acts may be relinquished.

Organization under this act.

wishes and convenience of a majority of the inhabitants in their respective townships, and to make division of funds and other property in the manner provided by section thirty-three of this act; and at the next ensuing election of director, directors or a board of education, as the case may be, shall be elected in each of the new districts so formed, as provided in section forty-two of this act. In cities having a population exceeding one hundred thousand inhabitants, the board of education shall have charge and control of the public schools in such cities, and shall have power, with the concurrence of the city council—

First—To erect or purchase buildings suitable for school houses, and keep the same in repair.

Second—To buy or lease sites for school houses, with the necessary grounds.

Third—To issue bonds for the purpose of building, furnishing and repairing school houses, for purchasing sites for the same, and to provide for the payment of said bonds; to borrow money for school purposes upon the credit of the city.

The board of education shall have power—

Powers of the board.

First—To furnish schools with the necessary fixtures, furniture and apparatus.

Second—To maintain, support and establish schools, and supply the inadequacy of the school funds, for the salaries of school teachers, from school taxes.

Third—To hire buildings or rooms for the use of the board.

Fourth—To hire buildings or rooms for the use of schools.

Fifth—To employ teachers, and fix the amount of their compensation.

Sixth—To prescribe the school books to be used, and the studies in the different schools.

Seventh—To lay off and divide the city into school districts, and from time to time to alter the same and create new ones, as circumstances may require, and generally to have and possess all the rights, powers and authority required for the proper management of schools, with power to enact such ordinances as may be necessary or deemed expedient for such purpose. Schools in such cities shall be governed as hereinafter stated, and no power given to the board shall be exercised by the city council. The board of education shall have the entire superintendence and control of the schools, and it shall be their duty to examine all persons offering themselves as candidates for teachers, and when found well qualified, to give them certificates thereof gratuitously; to visit all the public schools as often as once a month; to inquire into the progress of scholars, and the government of the schools; to prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the

proper manner; to prescribe what studies shall be taught, what books and apparatus shall be used. They shall have power to expel any pupil who may be guilty of gross disobedience or misconduct, and to dismiss and remove any teacher, whenever in their opinion he or she is not qualified to teach, or whenever from any cause the interests of the schools may, in their opinion, require such removal or dismissal. They shall have power to apportion the scholars to the several schools. It shall be their duty to establish all such by-laws, rules and regulations for the government and for the establishment and maintenance of a proper and uniform system of discipline in the several schools as may, in their opinion, be necessary. They shall determine from time to time how many and what class of teachers may be employed in each of the public schools, and employ such teachers and fix their compensation. It shall be the duty of the said board to take charge of the school houses, furniture, ground and other property belonging to the school districts, and see that the same are kept in good condition and not suffered to be unnecessarily injured or deteriorated, and also to provide fuel and such other necessities for the schools as in their opinion may be required in the school houses or other property belonging to said districts. The said board shall appoint a president and secretary, the president to be appointed from their own number, and shall appoint such other officers and employes as such board shall deem necessary, and shall prescribe their duties and compensation and terms of office; and the said board shall provide well bound books, at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings. The yeas and nays shall be taken, and entered on the records of the proceedings of the board, upon all questions involving the expenditure of money. None of the powers herein conferred upon the board of education shall be exercised by them except at a regular meeting of the board. It shall be the duty of the board to report to the city council, from time to time, any suggestions that they deem expedient or requisite in relation to the schools and the school fund, or the management thereof, and generally to recommend the establishment of such schools and districts. The board of education shall prepare and publish an annual report, which shall include the receipts and expenditures of each school, specifying the source of such receipts, and the object of such expenditures. They shall also communicate to the city council, from time to time, such information within their possession as may be required. They shall have power to lease school property and to loan moneys belonging to the school fund; but all conveyances of real estate shall be made to the city in trust for the use of schools, and no sale of real estate or interest therein used for school purposes or held in trust for schools, shall be made

Yeas and nays.

Report.

Conveyances.

City treasurer
to hold funds.

City not liable
for excess of ex-
penditures.

Appointment
of board.

Not authorized
to tax.

except by the city council, upon the written request of such board of education. All moneys raised by taxation for school purposes, or received from the state common school fund, or from any other source for school purposes, shall be held by the city treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants to be countersigned by the mayor and city clerk; but said board of education shall not add to the expenditures for school purposes anything over and above the amount that shall be received from the state common school fund, the rental of school lands, and the amount annually appropriated for such purposes. If said board shall so add to such expenditure, the city shall not, in any case, be liable therefor. From and after the time this act shall take effect, the board of education in such cities shall consist of fifteen members, to be appointed by the mayor by and with the advice and consent of the common council, five of whom shall be appointed for the term of one year, five for the term of two years, and five for the term of three years; and at the expiration of the term of any members of said board, their successors shall be appointed in like manner. Any vacancy which may occur shall be filled by the appointment of the mayor, with the approval of the common council, for the unexpired term. Any person having resided in such city more than five years next preceding his appointment, shall be eligible to said office. Nothing herein shall be so construed as to authorize any board of education to levy or collect taxes, or to require the city council to levy and collect any tax upon the demand or under the direction of such board of education.

COMMON SCHOOL LANDS.

Section sixteen.

§ 81. Section number sixteen in every township granted to the state by the United States for the use of schools, and such sections and part of sections as have been or may be granted, as aforesaid, in lieu of all or part of section number sixteen, and also the lands which have been or may be selected and granted as aforesaid, for the use of schools, to the inhabitants of fractional townships in which there is no section number sixteen, or where such section shall not contain the proper proportion for the use of schools in such fractional townships, shall be held as common school lands; and the provisions of this act referring to common school lands shall be deemed to apply to the lands aforesaid.

Trespass on
school lands

§ 82. All the business of such townships, so far as relates to common school lands, shall be transacted in that county which contains all or a greater portion of said lands. If any person shall, without being duly authorized, cut, fell, box, bore, destroy or carry away any tree, sapling or log,

standing or being upon any school lands, such person shall forfeit and pay for every tree, sapling or log so felled, boxed, bored, destroyed or carried away, the sum of eight dollars; which penalty shall be recovered, with costs of suit, by an action of debt or assumpsit, before any justice of the peace having jurisdiction of the amount claimed, or in the county or circuit court, either in the corporate name of the board of trustees of the township to which the land belongs, or by action of *qui tam*, in the name of any person who will first sue for the same—one-half for the use of the person suing, the other half to the use of the township aforesaid. When two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed. Every trespasser upon common school lands shall be liable to indictment, and, upon conviction, fined in three times the amount of the injury occasioned by said trespass, and shall stand committed as in other cases of misdemeanor. All penalties and fines collected under the provisions of this section shall be paid to the township treasurer, and be added to the principal of the township fund. And all other fines, penalties and forfeitures imposed or incurred in any of the courts of record, or before any justice of the peace of this state, except fines, forfeitures and penalties incurred or imposed in incorporated towns or cities, for the violation of the by-laws or ordinances thereof, shall, when collected, be paid to the school superintendent of the county wherein such fines, forfeitures and penalties have been imposed or incurred, who shall give his receipt therefor; and the same shall be distributed by said superintendent, annually, in the same manner as the common school funds of the state are distributed; and it shall be the duty of the state's attorneys of the several judicial circuits to enforce the collection of all fines, forfeitures and penalties imposed or incurred in the courts of record in their several circuits, and to pay the same over to the school superintendents of the counties wherein the same have been imposed or incurred, retaining therefrom the fees and commissions allowed them by law; and it shall be the duty of the said justices of the peace to enforce the collection of all fines imposed by them, by any lawful means; and when collected, the same shall be paid by the officer charged with the collection thereof to the school superintendent of the county in which the same was imposed. Clerks of said courts of record, state's attorneys and justices of the peace, shall report, under oath, to the school superintendent of their respective counties, by the first of March, annually, the amount of such fines, penalties and forfeitures imposed or incurred in their respective courts, and the amount of such fines, forfeitures and penalties collected by them, giving each item separately, and the officer charged with the collection thereof; and said clerks, state's

Penalty.

Fines and forfeitures.

Duty of state's attorneys.

Report.

Failure to pay.

attorneys, and justices of the peace, for a failure to make such report, shall be liable to a fine of twenty-five dollars for each offense, to be recovered in a civil action at the suit of the school superintendent of the proper county. For a failure to pay any such fines, forfeitures or penalties, on demand, to the person who is by law authorized to receive the same, the officer having collected the same, or having the same in his possession, shall forfeit and pay double the amount of such fine, penalty or forfeiture, as aforesaid, to be recovered before any court having jurisdiction thereof, in a *qui tam* action—one-half to be paid to the informer and one-half to the school fund of the proper county.

SALE OF COMMON SCHOOL LANDS.

Petition for sale

§ 83. When the inhabitants of any township, or fractional township, shall desire the sale of the common school lands of the township, or fractional township, they shall present a petition to the county superintendent of the county in which the school lands of the township, or the greater part thereof, lie, for the sale thereof; which petition shall be signed by at least two-thirds of the legal voters of the township, or fractional township, of and over twenty-one years of age. The signing of the petition must be in the presence of two citizens of the township, after the true meaning thereof shall have been explained; and when signed, an affidavit shall be affixed thereto by the two citizens proving the signing, in the manner aforesaid, and stating the number of inhabitants in the township, or fractional township, of and over twenty-one years of age; and said petition, so proved, shall be delivered to the county superintendent for his action thereon: *Provided*, that no whole section shall be sold in any township containing less than two hundred inhabitants; and common school lands in fractional townships may be sold when the number of inhabitants and number of acres are in the ratio of two hundred to six hundred and forty, but not before.

Fractional townships.

§ 84. Any fractional township not having the requisite number of inhabitants to petition for the sale of the school lands therein, as provided in section eighty-three, which has not heretofore been united with any other township for school purposes, and which does not contain a sufficient number of inhabitants to maintain a free school, is hereby attached to the adjacent congressional township having the longest territorial line bordering on such fractional township, for school purposes; and all the provisions of this act shall apply to such united townships the same as though they were one and the same township.

Trustees to divide land into lots.

§ 85. When the petition and affidavits are delivered to the county superintendent as aforesaid, he shall notify the trustees of said township thereof, and said trustees shall

immediately proceed to divide the land into tracts or lots, of such form and quantity as will produce the largest amount of money. After making such division, a correct plat of the same shall be made, representing all divisions, with each lot numbered and defined, so that its boundaries may be forever ascertained. Said trustees shall then fix a value on each lot, having regard to the terms of sale, certify to the correctness of the plat, stating the value of each lot per acre, or per lot, if less than one acre, and referring to and describing the lot in the certificate, so as fully and clearly to distinguish and identify each lot; which plats and certificate shall be delivered to the county superintendent, and shall govern him in advertising and selling said lands. Valuation.

§ 86. In subdividing common school lands for sale, no lot shall contain more than eighty acres, and the division may be made into town or village lots, with roads, streets or alleys between them and through the same; and all such divisions, with all similar divisions hereafter made, are hereby declared legal, and all such roads, streets and alleys public highways. Size of lot.
Roads and streets.

§ 87. The terms of selling common school lands shall be to the highest bidder, for cash, with the privilege to each purchaser of borrowing from the county superintendent the amount of his bid, for any period not less than one nor more than five years, upon his paying interest and giving security, as in case of money loaned by township treasurer, as provided in this act. Bid borrowed.

§ 88. The place of selling common school lands shall be at the court house of the county in which the lands are situated; or the trustees of schools may direct the sale to be made on the premises; and upon the reception by the county superintendent of the plat and certificate of valuation from the trustees, he shall proceed to advertise the said land for sale in lots, as divided and laid off by said trustees, by posting notices thereof in at least six public places in the county, forty days next anterior to the day of sale, describing the land and stating the time, terms and place of sale; and if any newspaper is published in said county, said advertisement shall be printed therein, for four weeks before the day of sale; if none, then it shall be sold under the notice aforesaid. Place of sale.
Notices.

§ 89. Upon the day appointed, the county superintendent shall proceed to make sales as follows, viz: He shall begin at the lowest number of lots, and proceed regularly to the highest, till all are sold or offered. No lot shall be sold for less than its valuation by the trustees. Sale shall be made between the hours of ten o'clock A. M., and six o'clock P. M., and may continue from day to day. The lots shall be cried separately, and each lot cried long enough to enable any one present to bid who desires it. Manner of sale.

Payment.

§ 90. Upon closing the sales each day, the purchasers shall each pay or secure the payment of the purchase money, according to the terms of sale; or in case of his failure to do so by ten o'clock the succeeding day, the lot purchased shall be again offered at public sale, on the same terms as before, and if the valuation or more shall be bid, shall be stricken off; but if the valuation be not bid, the lot shall be set down as not sold. If the sale is or is not made, the former purchaser shall be required to pay the difference between his bid and the valuation of the lot; and in case of his failing to make such payment, the county superintendent may forthwith institute an action of debt or *assumpsit*, in his name, as superintendent, for the use of the inhabitants of the township where the land lies, for the required sum; and upon making proof, shall be entitled to judgment, with costs of suit; which, when collected, shall be added to the principal of the township fund. And if the amount claimed does not exceed one hundred dollars, the suit may be instituted before a justice of the peace; but if more than that sum, then in the circuit court of any county wherein the party may be found.

May be re-sold.

Lands may be re-sold.

§ 91. All lands [not] sold at public sale, as herein provided for, shall be subject to sale at any time thereafter, at the valuation; and county superintendents are authorized and required, when in their power, to sell all such lands at private sale, upon the terms at which they are offered at public sale.

Unsold lands to be re-valued.

§ 92. In all cases where common school lands have been heretofore valued, and have remained unsold for two years, after having been offered for sale, or shall hereafter remain unsold for that length of time, after being valued and offered for sale in conformity to this act, the trustees of schools where such lands are situated may vacate the valuation thereof, by an order to be entered in book A, of the county superintendent, and cause a new valuation to be made, if, in their opinion, the interests of the township will be promoted thereby. They shall make said second valuation in the same manner as the first was made, and shall deliver to the county superintendent a plat of such second valuation, with the order of vacation to be entered as aforesaid; whereupon said county superintendent shall proceed in selling said lands in all respects as if no former valuation had been made: *Provided*, that the second valuation may be made by the trustees of schools, without petition, as provided in this act.

No petition required.

Certificate of purchase.

§ 93. Upon the completion of every sale by the purchaser, the county superintendent shall enter the same on book B, and shall deliver to the purchaser a certificate of purchase, stating therein the name and residence of the purchaser, describing the land and the price paid therefor; which certificate shall be evidence of the facts therein stated.

§ 94. At the first regular term of the county board, in each year, the county superintendent shall present to the county board of his county :

Statement of sales.

First—A statement showing the sales of school lands made subsequent to the first regular term of the previous year, which shall be a true copy of the sale book (book B).

Second—Statements of the amount of money received, paid, loaned out and in hand, belonging to each township or fund under his control—the statement of each fund to be separate.

Third—Statements copied from his loan book (book C), showing all the facts in regard to loans which are required to be stated on the loan book.

All of which the county board shall thereupon examine and compare with the vouchers. And the said county board, or so many of them as may be present at the term of the court, shall be liable, individually, to the fund injured, and to the securities of said county superintendent, in case judgment be recovered of said securities, for all damages occasioned by a neglect of the duties, or any of them, required of them by this section: *Provided*, nothing herein contained shall be construed to exempt the securities of said county superintendent from any liability as such securities, but they shall still be liable to the fund injured, the same as if the county superintendents were not liable.

Duties of the county board.

Securities not exempt.

§ 95. The county superintendent shall, also, at the time aforesaid, transmit to the auditor of public accounts a full and exact transcript, from book B, of all the sales made subsequent to each report. The statement required to be presented to the county board shall be preserved and copied by the clerk of said court into a well bound book, kept for that purpose; and the list transmitted to the auditor shall be filed, copied and preserved in like manner.

Transcript sent to auditor.

§ 96. Every purchaser of common school land shall be entitled to a patent from the state, conveying and assuring the title. Patents shall be made out by the auditor, from returns made to him by the county superintendent. They shall contain a description of the land granted, and shall be in the name of and signed by the governor, countersigned by the auditor, with the great seal of the state affixed thereto by the secretary of state, and shall operate to vest in the purchaser a perfect title in fee simple. When patents are executed as herein required, the auditor shall note on the list of sales the date of each patent, in such manner as to perpetuate the evidence of its date and delivery, and thereupon transmit the same to the county superintendent of the proper county, to be by him delivered to the patentee, his heirs or assigns, upon the return of the original certificate of purchase; which certificate, when returned, shall be filed and preserved by the county superintendent; and all such patents, heretofore or hereafter so issued by the state for

Patents.

Certificate to be filed.

Evidence of sale

school lands, or duly certified copies thereof from any record legally made, shall, after the lapse of ten years from the date of such patent, and such sale having been acquiesced in for ten years by the inhabitants of the township in which the land so conveyed may be situated, be conclusive evidence as to the legality of the sale, and that the title to such land was, at the date of the patent, legally vested in the patentee.

Duplicates of
certificates or
patents.

§ 97. Purchasers of common school lands, and their heirs and assigns, may obtain, duplicate copies of their certificates of purchase and of patents, upon filing affidavit with the county superintendent in respect to certificates, and with the auditor in respect to patents, proving the loss or destruction of the originals; and such copies shall have all the force and effect of the originals.

Acts repealed.

§ 98. "An act to establish and maintain a system of free schools," approved February 16, 1857; "An act to establish and maintain a system of free schools," approved February 22, 1861; "An act to establish and maintain a system of free schools in the state of Illinois," approved February 16, 1865; "An act to amend an act entitled 'an act to establish and maintain a system of free schools in the state of Illinois,' approved February 16, 1865," approved February 28, 1867; "An act to amend the school law," approved March 30, 1869; "An act relating to assessments and taxation in school districts," approved March 29, 1869; "An act concerning reports of school officers and of incorporated institutions of learning," approved March 29, 1869; and all other acts and parts of acts inconsistent with this act, and all general school laws of this state, are hereby repealed.

APPROVED April 1, 1872.

In force July 1, 1872. AN ACT to repeal an act entitled "An act to incorporate the Havana German School Association," approved March 7, 1867, and an amendment thereto, entitled "An act to amend an act entitled 'An act to incorporate the Havana German School Association,' approved March 11, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to incorporate the Havana German School Association," approved March seven, eighteen hundred and sixty-seven, and the amendment thereto, entitled "An act to amend 'an act to incorporate the Havana German School Association,'" approved March eleven, eighteen hundred and sixty-nine, be and the same are hereby repealed

APPROVED April 3, 1872.

AN ACT to repeal an act entitled "An act to establish the Niantic Union In force July 1, School District," approved March 25, 1869. 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to establish the Niantic Union School District," approved March 25, 1869, be and the same is hereby repealed.

APPROVED April 17, 1871.

SECRETARY OF STATE.

AN ACT requiring the secretary of state to make a biennial report of the busi- In force July 1, ness of his office, and providing for the sale of certain property. 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall To make report. be and is hereby made the duty of the secretary of state to make a biennial report to the governor, for the term ending on the thirtieth of November preceding the regular sessions of the general assembly; and such number thereof, not exceeding three thousand, shall be printed for the use of the general assembly, as may be directed by the governor.

§ 2. Said report shall set forth the following statements: Statements to be contained.

First—The amount of printing paper on hand at last report, or received from his predecessor. The amount of printing paper purchased, from whom, date of receipt, size, weight and price paid per ream. The amount delivered to the contractor for state printing, the date of such delivery, with statement of settlement with said printer for paper used on state work.

Second—The amount of property purchased and labor paid for, giving dates, names and amounts paid in the discharge of the duties required by law as secretary of state.

Third—A detailed statement of the disbursements of the funds placed at the disposal of the secretary of state, to enable him to discharge his duties as required by law.

Fourth—A detailed statement of expenses for distributing laws, journals, reports and other documents, under laws now in force, or hereafter enacted, stating the expense therefor paid by the state, and the amount added, if any, as charges to be collected from the counties, giving in

detail the items making the aggregate of such charges, proportionately charged to the several counties or elsewhere.

Fifth—A detailed statement of the amount derived from the sale of old property belonging to the state.

Sixth—A detailed statement of all laws, journals, reports and other documents distributed, showing to whom, and number sent.

Seventh—A detailed statement giving names, purposes and terms of all contracts entered into for printing, binding, paper, stationery or fuel.

Eighth—Detailed statements of all other business appertaining to the office of secretary of state.

To sell old and
useless property

§ 3. The secretary of state is hereby authorized and directed, from time to time, to sell all old and useless personal property belonging to the state, under his control, and pay the amount derived therefrom into the state treasury, quarterly, accompanied with a certified schedule of the property sold, the name of the party to whom each article was sold, and the amount received therefor—to be filed in the auditor's office. All property sold shall be, after proper notice, at public auction, to the highest bidder, but no sale of property shall include any books in the library or possession of the secretary of state.

First report.

§ 4. The first report made under this act shall, for the first, fourth and sixth items of section two, cover the entire time, commencing with the date the present incumbent entered upon the duties of his office, up to the date of making the report.

APPROVED April 4, 1872.

In force July 1, 1872. AN ACT to authorize the secretary of state to sell or otherwise dispose of surplus books, printed laws, journals, legislative reports or other books.

Inventory and
sale.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the secretary of state shall immediately make an inventory of all surplus laws, journals, legislative reports or other books that may be in the state library, or stowed in the basement of the state house, specifying the number and kinds of such books that may be in his custody, and report the same to the governor, who shall direct what portion and the number of said books are necessary to be kept by the secretary of state for use of the state; and the secretary of state is hereby authorized to sell or dispose of the remainder of said books at a price to be fixed, and in the manner prescribed, by the governor.

§ 2. On or before the first day of December next, the secretary of state shall pay into the state treasury all moneys received by him for the sale of said books, and make a full report of his doings in this matter to the governor. To pay over moneys.

APPROVED April 9, 1872.

STATISTICS.

AN ACT to secure uniform and reliable statistics concerning the dependent and criminal classes, and their treatment in state and county institutions. In force July 1, 1872.

WHEREAS it is exceedingly desirable, in order to intelligent legislation concerning the dependent and criminal classes in the state of Illinois, that the general assembly should have information as to the number of persons who need public care or restraint, the number who receive it, the amount of relief rendered, the cost of the same, the average duration of such restraint or care, and the effect upon individuals and upon society; therefore, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every superintendent of any public institution, which derives its income in whole or in part from the treasury of the state, shall prepare and transmit, quarterly, to the board of state commissioners of public charities, the following tabular statement: A statement of the number of applications for admission to the institution of which he is superintendent which have been refused during the quarter, with the name and address of each applicant, and the reason for refusal; a statement of the admissions, with the name, residence, age, sex, color, civil condition, nativity, parentage, and pecuniary ability of each, and such other information as the commissioners aforesaid may deem necessary or desirable; a statement of the discharges and absences of inmates, officers and employes, with the reason for the same, and a statement, in such detail as the commissioners aforesaid may prescribe and require, of the receipts, expenditures, liabilities and resources of the institution. Tabular statements to be made quarterly.

§ 2. Similar statements, in such form as the commissioners of public charities may prescribe, shall be prepared and transmitted, semi-annually, by the sheriff of each county, concerning the prisoners, and by the clerk of each county, concerning the paupers of each county respectively. Statements by sheriffs.

§ 3. For the purpose of enabling county officers to make the returns required by this act, the county court in each Blank books.

county in the state shall provide and furnish to each sheriff and county clerk a suitable blank book, with the necessary rulings and headings, which shall be the property of the county.

Penalty for refusal.

§ 4. Any superintendent of a public institution of this state, or any county officer, who shall refuse to comply with the requirements of this act, shall be liable to a fine of not exceeding one hundred dollars, to be sued for in the name of the People of the State of Illinois, for the use of any person suing for the same.

APPROVED March 15, 1872.

STATUTES AT LARGE.

In force July 1,
1872.

AN ACT in relation to statutes at large.

Preamble.

WHEREAS a complete and accurate edition of the statutes at large for this state is highly desirable, for the security of land titles and for other important reasons; and whereas many of the early volumes are entirely out of print, and must either be republished or be totally lost; and whereas such a republication is now being made without expense to the state, and it is proper that this general assembly should sanction and approve thereof; therefore,

Gross' statutes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the statutes at large for Illinois, now in course of publication by E. L. & W. L. Gross, shall be deemed and taken, in all courts and places in this state, to be *prima facie* evidence of the acts therein contained, and of the dates thereof; and in case any error shall be found therein, it shall not affect, as evidence, the residue of said work.

APPROVED April 3, 1872.

TAXES.

AN ACT to authorize cities having a population not exceeding fifteen thousand inhabitants to levy and collect taxes for corporate purposes. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any city of this state, having a population not exceeding fifteen thousand inhabitants, shall have power, where it does not already exist, to levy and collect for corporate purposes, in the manner provided by its charter, an annual tax upon all the taxable property, real and personal, within its corporate limits, not exceeding one per centum of the value of such property, as assessed by the corporate authorities of such city.

APPROVED March 7, 1872.

AN ACT to restore uniformity in the taxation of real and personal property, for all purposes, in the several counties and cities of this state. In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the real and personal property within all incorporated towns and cities in every county in this state shall be taxable for all purposes, any local or special law in regard to exemption of any particular town or city to the contrary notwithstanding; and all provisions of law in conflict with this act are hereby repealed; but nothing herein shall be construed as authorizing the taxation of property allowed to be exempt by any general law now in force or that may hereafter be passed. And all laws requiring any city to support and provide for its paupers, to assume liabilities, or perform duties required of counties by the general laws of this state, are hereby repealed; and the general laws of this state upon such subjects, in relation to counties and cities, shall be applicable to all counties and cities in the state.

APPROVED January 4, 1872.

IN force April 22, 1871. AN ACT in relation to the levy and collection of taxes for sewerage and water works in the cities of this state that may have established a system of sewerage and water works for such city.

Tax for sewers. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the legislative authority of any such city which now has or may hereafter have established a system of sewerage for such city, shall have power, annually, to levy and collect a tax upon the taxable real and personal estate of any such city, not to exceed one mill on a dollar, for the extension and laying of sewers therein and the maintenance of such sewers, which tax shall be known as "The Sewerage Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however,* that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose.

Water works tax. § 2. The legislative authority of any such city which now has or which may hereafter have established water works, for the supply of water to the inhabitants thereof, shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, not to exceed one mill on the dollar, for the extension of water mains or pipes therein and the maintenance of such water works, which tax shall be known as "The Water Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however,* that the board of public works of such city, if any, or the head of the water department of such city, shall first certify to such legislative authority the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water works will be insufficient therefor.

Emergency. § 3. Whereas the health and good government of such cities require that they severally possess the power and authority conferred by this act upon such cities, and the officers thereof, without any delay, it is hereby declared that an emergency exists, that this law should be in force from and after its passage.

APPROVED April 22, 1871.

TOWNS.

AN ACT to repeal "An act to vacate the town plat of the town of Cumming- In force July 1,
ton, in Macoupin county, Illinois." 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act approved March fifteenth, one thousand eight hundred and sixty-nine, vacating the town plat of the town of Cummington, in Macoupin county, Illinois, is hereby repealed.

APPROVED January 5, 1872.

TOWNSHIPS.

AN ACT to repeal an act entitled "An act to consolidate certain townships In force July 1,
for school purposes in the county of Cook," approved March 29, 1869, and 1872.
for the equitable division of the school funds and property of said townships.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled "An act to consolidate certain townships for school purposes in the county of Cook," approved March twenty-nine, one thousand eight hundred and sixty-nine, is hereby repealed; and the townships designated in said act, viz: township number thirty-five (35) north, range fourteen (14) east of the third (3d) principal meridian, and fractional township number thirty-five (35) north, range fifteen (15) east of said meridian, are hereby restored to their former territorial boundaries. Boundaries re-
stored.

§ 2. The principal of the township funds of the two townships consolidated by said act, shall be divided so that each of said townships shall have and retain the same amount of said principal funds that it had prior to the passage of said act; and all other school funds, property and credits of said consolidated township shall be equitably divided between the two townships comprising the same, in proportion to the assessed valuation of taxable property in each of said two townships. The county superintendent of schools for the said county of Cook is hereby empowered and charged with the execution of the provisions of this section, and for that purpose he shall have free access to all the books, records and accounts of said consolidated townships. Township funds
to be divided.

To take effect.

§ 3 This act shall be deemed a public act, and shall take effect on the day prescribed in the thirteenth (13th) section of the fourth (4th) article of the constitution of the state.

APPROVED January 5, 1872.

TOWNSHIP ORGANIZATION.

In force July 1,
1872.

AN ACT to amend the law concerning township organization.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section two, of article fourth, of an act entitled "An act to reduce the act to provide for township organization, and the several acts amendatory thereof, into one act, and to amend the same," approved February 20, 1861, be and the same is hereby re-enacted, and the provisions thereof extended to each and every county of the state which has adopted township organization, any special or local law to the contrary notwithstanding. Said section is as follows :*

Officers to be
chosen.

"*Section 2. There shall be chosen at the annual town meeting in each town, one supervisor, one town clerk, one assessor, one collector, one commissioner of highways, two constables, two justices of the peace, as many overseers of highways as there are road districts in the town, and so many pound masters as the electors may determine : Provided, that justices of the peace and constables shall be elected only once in four years, except to fill vacancies ; and such justices and constables shall be successors to precinct justices and constables : Provided, further, that any town having eight hundred or more legal voters, shall be entitled to elect one additional supervisor, styled 'assistant supervisor.'*"

That an act entitled "An act to change the time of electing certain officers in a county therein named," approved February 28, 1867, which applies to Wayne county, and an act entitled "An act to reduce the number of the supervisors in Clay county," approved March 8, 1869, and all other act in conflict herewith, are hereby repealed ; but nothing herein is intended to repeal any local or special law providing for the election of supervisors as members of the county board, in incorporated towns and cities.

§ 2. Section one, of article fourteen, of an act entitled "An act to reduce the act to provide for township organization, and the several act amendatory thereof, into one act, and to amend the same," approved February 20, 1861, be and the same is hereby amended, so as to read as follows :

"Section 1. The county boards of the several counties in this state, that have or may adopt township organization, shall be composed of the supervisors and assistant supervisors of the organized townships thereof, and supervisors of incorporated towns and cities. Such supervisors shall meet annually in their respective counties, for the despatch of business, as a board of supervisors; they may also hold special meetings at such times and places as they may find convenient, and shall have power to adjourn, from time to time, as they may deem necessary." Annual and special meetings.

Said section one, before amendment as aforesaid, is as follows:

"Section 1. The supervisors of the several cities and towns of the counties of this state, that shall adopt the town system, shall meet annually in their respective counties, for the despatch of business, as a board of supervisors. They may also hold special meetings at such times and places as they may find convenient, and shall have power to adjourn, from time to time, as they may deem necessary."

APPROVED April 12, 1871.

AN ACT to amend the law concerning township organization.

In force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section fifty-three, of article seventeen, of "An act to reduce the act to provide for township organization, and the several acts amendatory thereof, into one act, and to amend the same," approved February 20, 1861, be and the same is hereby amended, so as to read as follows:

"Section 53. Whenever the commissioners of highways shall receive a petition in compliance with the two preceding sections, they shall, or a majority of them, within twenty days after the expiration of the twenty days required in section fifty-two of this article, personally examine the proposed alteration, discontinuance or route for the new road proposed to be laid out, and shall hear any reasons that may be offered for or against altering, discontinuing or laying out the same. If they shall be of the opinion that such alteration, discontinuance or laying out shall be necessary and proper, and that the public interest will be promoted thereby, they shall grant the prayer of the petitioners, as hereinafter provided." Commissioners to examine.

§ 2. That section fifty-six (56), of article seventeen (17), of the above mentioned act, be and the same is hereby amended, so as to read as follows:

Damages.

"Section 56. The damages sustained by reason of the laying out, or opening, or altering any road, may be ascertained by the agreement of the owners and the commissioners of highways, and unless such agreement be made, or the owners of the land shall, in writing, release all claims to damages, the same shall be assessed in the manner hereinafter prescribed before such road shall be opened, or worked, or used. Every agreement and release shall be filed in the town clerk's office, and shall forever preclude the owners of such lands from all further claims for such damages. In case the commissioners of highways and owners of lands claiming damages cannot agree, it shall be the duty of the commissioners to apply to a justice of the peace of the town for the selection of a jury to assess such damages. The commissioners shall give at least three days' notice of such application, stating the time when, and the justice to whom, the same will be made, by leaving a copy thereof at the residence of the owner or occupant of the land; if the land is unoccupied, then by posting notices in three public places of the town for at least three days previous to such application. When application is made to the

Jury.

justice as aforesaid, he shall issue a summons for a jury of six persons (or twelve if a less number be objected to by either party, before the precept is issued), having the qualification of jurors, to appear before such justice at a time to be fixed by him, not less than five days nor more than ten days from the time such application was presented to him, to assess such damages, which may be served by any constable of the town, or by any person whom said justice may designate. The jury shall be sworn by the justice to discharge their duties faithfully and impartially as such jury. After being sworn, the jury shall hear such lawful evidence touching the question of damages as may be presented to them, and shall also, in a body, visit and examine the lands in question, and assess the damages at what they may deem just and right, to each individual claimant with whom the commissioners of highways could not agree, and make a statement thereof in writing, and deliver the same to the justice, which he shall deposit with the town clerk, who shall note the time of filing the same. The jury, in assess-

Jury to estimate benefits.

ing the damages, shall estimate the special advantages and benefits the new road, or alteration of an existing road, will confer on the owners of the land in question, as well as the disadvantages and damages that will be occasioned thereby; but shall not estimate any benefits or advantages which may accrue in common with adjoining lands on which said road does not pass. In case the jury cannot agree on the amount of damages in a reasonable time, the justice may discharge the same, and issue a summons for a new jury, and fix the time and place of meeting, and proceed in the same manner as if no other jury had been im-

paneled in the case, of which all parties interested shall take notice. The justice, constable and jury shall be entitled to the same fees they are entitled to for like services in other cases, and the commissioners of highways shall certify to the expenses necessarily incurred by the jury in going to and viewing the grounds, which expenses and costs shall be paid by the town authorities."

§ 3. That section seventy-five (75), of article seventeen, of the act above mentioned, be and the same is hereby amended, so as to read as follows :

"*Section 75.* It shall be the duty of the supervisors to convene at the time and place mentioned in the notice, and to hear the proofs and allegations of the parties. They shall have power to issue process to compel the attendance of witnesses, and may adjourn from time to time, as may be necessary. Their decision, or that of any two of them, shall embrace only the question of the propriety and expediency of locating, altering or discontinuing the road." Supervisors to hear and determine.

§ 4. That section ninety-three (93), of article seventeen (17), of the above mentioned act, be and the same is hereby amended, so as to read as follows :

"*Section 93.* Roads for private and public use, of the width of three rods or less, may be laid out from the dwelling or plantation of an individual, to any public road, or from one public road to another, or from one lot of land to another, or from a lot of land to the highway, on petition to the commissioners of highways, by any person directly interested. The commissioners, on receiving such petition, shall have power to lay out the road, as asked for therein, to which end they shall proceed and examine into the merits of the case, and shall be governed in their proceedings by the rules and regulations prescribed in this act in relation to public roads. The jury shall consider the question of benefits and damages that may result to parties from said proposed road, and shall assess the damages to each individual owner of lands affected thereby. The amount of such damages shall be paid by the persons benefited thereby to the extent and in proportion that they are benefited, to be determined and declared by the jury. The remainder of the amount of damages, over and above that to be paid by the parties as aforesaid, shall be paid by the town as in other cases. The amount of damages to be paid by individuals shall be deposited with the supervisor of the town for the persons entitled thereto, before the road shall be opened for use. An appeal may be taken on the question of the propriety and necessity of such road, as in other cases." Roads for private and public use.

§ 5. All roads, highways and bridges, now in use by the public as highways, are hereby declared to be public highways of the town in which they are situated. Public highways.

APPROVED January 31, 1872.

UNCLAIMED PROPERTY.

In force July 1, 1872. AN ACT to provide for the sale of unclaimed property by common carriers, warehousemen and inkeepers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when-
 any trunk, carpet-bag, valise, bundle, package or article of property, transported or coming into the possession of any railroad or express company, or the owner of any steamboat or vessel or any other common carrier, in the course of its or his business as common carrier, and shall be unclaimed within the time hereinafter specified, the same shall be advertised and may be sold as hereinafter provided.

Property to be advertised.

Publication in newspaper.

§ 2. Every such common carrier shall, during the first week in January and July in each year, publish in a newspaper published in the county where the property shall be (preferring a daily in case one is published therein), or if no paper is published in such county, in a paper published nearest to the place where the property shall be, a descriptive list of all trunks, carpet bags, valises, bundles, packages and articles of property then remaining unclaimed in the possession of such common carrier, or its or his agents, which list shall indicate all such names and specific marks and directions as may serve to identify the same, and shall state that unless such property is claimed within six months after the date of publication, application will be made to the county court of the county for an order of sale thereof.

To file petition with county clerk.

§ 3. If, at the expiration of six months after the giving such notice, any of the articles so advertised still remain unclaimed, the common carrier in whose possession the same may be shall file with the clerk of the county court of such county a petition, setting out a list of such property, and praying an order of sale thereof; and the county court shall thereupon examine such petition, and shall ascertain if the notice has been given as required in the foregoing section; and if the court shall find such notice has been given, and that the articles mentioned in said list ought to be sold, it shall order that the sheriff take the same into his possession and make a full and true inventory of all property contained in such list (for that purpose opening all packages and boxes containing articles of property), and that the said sheriff make sale thereof as in other cases of the sale of personal property on execution: *Provided*, the property shall be sold to the highest and best bidder, for cash.

Sheriff to make inventory.

§ 4. A copy of such order being delivered to the sheriff, he shall take such property into his possession and make

such inventory, and proceed to advertise and sell the same, as in cases of sale of personal property on execution; and after paying the costs of the proceeding and the amount that may be due the carrier for transportation, storage and all legal charges, shall pay over the surplus to the county treasurer, taking his receipt therefor, and shall make return of such order and inventory, with his indorsement thereon, showing specifically what each article brought, and all his actings and doings in regard thereto.

§ 5. If any common carrier neglects or omits so to advertise any such property, or to present such petition, or fails or refuses to deliver the property to the sheriff when the same ought to be done, the party so offending shall be liable for all damages on account thereof, to be recovered by the person injured in an action of debt, and reasonable attorney's fees, to be taxed as costs, and also one hundred dollars for each case of neglect or omission, to be recovered in an action of debt in the name of the county and for its use.

Neglect to advertise.

§ 6. If the owner of any property, sold as aforesaid, shall apply to the county board of the proper county at any time within two years after such sale, and prove title to such property, and it shall appear that the same was sold for more than the amount of the costs and all charges paid or allowed on account thereof, such balance shall be paid to him by the county from such fund; otherwise the same shall be added to the county funds.

Owner entitled to overplus.

§ 7. When a common carrier has transported property consisting of fresh meats, fresh fish, shell fish, fruits or vegetables, to their place of destination, and has notified the owner or consignee of the arrival of the same, and the owner or consignee, after such notice, has refused or omitted to receive and take away the same and pay the freight and proper charges thereon, said carrier may, in the exercise of a reasonable discretion, sell the same at public or private sale without advertising, and the proceeds, after deducting the amount of said freight and charges, and expenses of sale, shall be paid to the owner or consignee: *Provided*, that if the owner or consignee cannot be found on reasonable inquiry, the sale may be made without such notice.

Perishable property.

§ 8. Nothing in this chapter shall prevent the owner or consignee of any such property from recovering of any such corporation or common carrier the whole of any such property in cases where the same shall be lost or destroyed by the carelessness or negligence of such corporation or common carrier.

Recovery for loss.

§ 9. This chapter shall apply to warehouse keepers, forwarding merchants, wharf-keepers and inn-keepers, but no such proceedings as are provided for in sections two, three and four, shall be instituted until the property shall have

Scope of the act

remained unclaimed for the space of six months, or the owner or consignee shall fail, upon demand, to pay the storage or any lien or charge thereon, within two months after demand made therefor.

APPROVED April 10, 1872.

WAREHOUSES.

In force July 1, 1871. AN ACT to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to article thirteen of the constitution of this state.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That public warehouses, as defined in article thirteen of the constitution of this state, shall be divided into three classes, to be designated as classes A, B and C, respectively.

Three classes defined.

§ 2. Public warehouses of class A shall embrace all warehouses, elevators or granaries in which grain is stored in bulk, and in which the grain of different owners is mixed together, or in which grain is stored in such a manner that the identity of different lots or parcels cannot be accurately preserved, such warehouses, elevators or granaries being located in cities having not less than one hundred thousand inhabitants. Public warehouses of class B shall embrace all other warehouses, elevators or granaries in which grain is stored in bulk, and in which the grain of different owners is mixed together. Public warehouses of class C shall embrace all other warehouses or places where property of any kind is stored for a consideration.

License for class A—revocation of license.

§ 3. The proprietor, lessee or manager of any public warehouse of class A shall be required, before transacting any business in such warehouse, to procure from the circuit court of the county in which such warehouse is situated, a license, permitting such proprietor, lessee or manager to transact business as a public warehouseman under the laws of this state, which license shall be issued by the clerk of said court upon a written application, which shall set forth the location and name of such warehouse, and the individual name of each person interested as owner or principal in the management of the same; or, if the warehouse be owned or managed by a corporation, the names of the president, secretary and treasurer of such corporation shall be stated; and the said license shall give authority to carry on and conduct the business of a public warehouse of class A in accordance with the laws of this state, and shall be revo-

cable by the said court upon a summary proceeding before the court, upon complaint of any person in writing, setting forth the particular violation of law, and upon satisfactory proof, to be taken in such manner as may be directed by the court.

§ 4. The person receiving a license as herein provided, shall file with the clerk of the court granting the same, a bond to the People of the State of Illinois, with good and sufficient surety, to be approved by said court, in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duty as a public warehouseman of class A, and his full and unreserved compliance with all laws of this state in relation thereto. The bond required.

§ 5. Any person who shall transact the business of a public warehouse of class A without first procuring a license as herein provided, or who shall continue to transact any such business after such license has been revoked (save only that he may be permitted to deliver property previously stored in such warehouse), shall, on conviction, be fined in a sum not less than one hundred dollars nor more than five hundred dollars for each and every day such business is so carried on; and the court may refuse to renew any license, or grant a new one, to any of the persons whose license has been revoked, within one year from the time the same was revoked. Penalty — renewal of license.

§ 6. It shall be the duty of every warehouseman of class A to receive for storage any grain that may be tendered to him, in the usual manner in which warehouses are accustomed to receive the same in the ordinary and usual course of business, not making any discrimination between persons desiring to avail themselves of warehouse facilities — such grain, in all cases, to be inspected and graded by a duly authorized inspector, and to be stored with grain of a similar grade, received at the same time, as near as may be. In no case shall grain of different grades be mixed together while in store; but, if the owner or consignee so requests, and the warehouseman consent thereto, his grain of the same grade may be kept in a bin by itself, apart from that of other owners; which bin shall, thereupon, be marked and known as a "separate bin." If a warehouse receipt be issued for grain so kept separate, it shall state, on its face, that it is in a separate bin, and shall state the number of such bin; and no grain shall be delivered from such warehouses unless it be inspected on the delivery thereof by a duly authorized inspector of grain. Nothing in this section shall be so construed as to require the receipt of grain into any warehouse in which there is not sufficient room to accommodate or store it properly, or in cases where such warehouse is necessarily closed. Inspection — mixing — separate bins.

§ 7. Upon application of the owner or consignee of grain stored in a public warehouse of class A, the same Manner of issuing warehouse receipts.

being accompanied with evidence that all transportation or other charges which may be a lien upon such grain, including charges for inspection, have been paid, the warehouseman shall issue to the person entitled thereto, a warehouse receipt therefor, subject to the order of the owner or consignee, which receipt shall bear date corresponding with the receipt of grain into store, and shall state upon its face the quantity and inspected grade of the grain, and that the grain mentioned in it has been received into store, to be stored with grain of the same grade by inspection, received at about the date of the receipt, and that it is deliverable upon the return of the receipt, properly indorsed by the person to whose order it was issued, and the payment of proper charges for storage. All warehouse receipts for grain, issued from the same warehouse, shall be consecutively numbered; and no two receipts, bearing the same number, shall be issued from the same warehouse during any one year, except in a case of a lost or destroyed receipt, in which case the new receipt shall bear the same date and number as the original, and shall be plainly marked on its face "duplicate." If the grain was received from railroad cars, the number of each car shall be stated upon the receipt, with the amount it contained; if from canal boat or other vessel, the name of such craft; if from teams or by other means, the manner of its receipt shall be stated on its face.

Receipts canceled.

§ 8. Upon the delivery of grain from store, upon any receipt, such receipt shall be plainly marked across its face with the word "canceled," with the name of the person canceling the same, and shall thereafter be void, and shall not again be put in circulation; nor shall grain be delivered twice upon the same receipt.

Further regulations respecting receipts.

§ 9. No warehouse receipt shall be issued, except upon the actual delivery of grain into store, in the warehouse from which it purports to be issued, and which is to be represented by the receipt; nor shall any receipt be issued for a greater quantity of grain than was contained in the lot or parcel stated to have been received; nor shall more than one receipt be issued for the same lot of grain, except in cases where receipts for a part of a lot are desired, and then the aggregate receipts for a particular lot shall cover that lot and no more. In cases where a part of the grain represented by the receipt is delivered out of store and the remainder is left, a new receipt may be issued for such remainder; but such new receipt shall bear the same date as the original, and shall state on its face that it is balance of receipt of the original number; and the receipt upon which a part has been delivered shall be canceled in the same manner as if it had all been delivered. In case it be desirable to divide one receipt into two or more, or in case it be desirable to consolidate two or more receipts into one, and

the warehouseman consent thereto, the original receipt shall be canceled the same as if the grain had been delivered from store; and the new receipts shall express on their face that they are parts of other receipts, or a consolidation of other receipts, as the case may be; and the numbers of the original receipts shall also appear upon the new ones issued, as explanatory of the change, but no consolidation of receipts of dates differing more than ten days shall be permitted, and all new receipts issued for old ones canceled, as herein provided, shall bear the same dates as those originally issued, as near as may be.

§ 10. No warehouseman in this state shall insert in any receipt issued by him, any language in anywise limiting or modifying his liabilities or responsibility, as imposed by the laws of this state. Special conditions.

§ 11. On the return of any warehouse receipt issued by him, properly indorsed, and the tender of all proper charges upon the property represented by it, such property shall be immediately deliverable to the holder of such receipt, and it shall not be subject to any further charges for storage, after demand for such delivery shall have been made. Unless the property represented by such receipt shall be delivered within two business hours after such demand shall have been made, the warehouseman in default shall be liable to the owner of such receipt for damages for such default, in the sum of one cent per bushel, and in addition thereto, one cent per bushel for each and every day of such neglect or refusal to deliver: *Provided*, no warehouseman shall be held to be in default in delivering if the property is delivered in the order demanded, and as rapidly as due diligence, care and prudence will justify. Manner of delivering property stored.

§ 12. The warehouseman of every public warehouse of class A shall, on or before Tuesday morning of each week, cause to be made out, and shall keep posted up in the business office of his warehouse, in a conspicuous place, a statement of the amount of each kind and grade of grain in store in his warehouse at the close of business on the previous Saturday; and shall, also, on each Tuesday morning, render a similar statement, made under oath before some officer authorized by law to administer oaths, by one of the principal owners or operators thereof, or by the bookkeeper thereof, having personal knowledge of the facts, to the warehouse registrar appointed as hereinafter provided. They shall also be required to furnish daily, to the said registrar, a correct statement of the amount of each kind and grade of grain received in store in such warehouse on the previous day; also the amount of each kind and grade of grain delivered or shipped by such warehouseman during the previous day, and what warehouse receipts have been canceled, upon which the grain has been delivered on such day, giving the number of each receipt, and amount, kind and grade Weekly statements of grain in store.
Daily statements — details required.

of grain received and shipped upon each; also, how much grain, if any, was so delivered or shipped, and the kind and grade of it, for which warehouse receipts had not been issued, and when and how such unreceipted grain was received by them; the aggregate of such reported cancellations and delivery of unreceipted grain, corresponding in amount, kind and grade with the amount so reported, delivered or shipped. They shall also, at the same time, report what receipts, if any, have been canceled and new ones issued in their stead, as herein provided for. And the warehouseman making such statements, shall, in addition, furnish the said registrar any further information, regarding receipts issued or canceled, that may be necessary to enable him to keep a full and correct record of all receipts issued and canceled, and of grain received and delivered.

Further information.

Grades of grain.

Winter wheat.

§ 13. The grade of grain shall be as follows:

No. 1 white winter wheat shall be pure white winter wheat, sound, plump and well cleaned. No. 2 white winter wheat shall be pure white winter wheat, sound and reasonably clean. No. 1 red winter wheat shall be pure winter wheat, red or red and white mixed, sound, plump and well cleaned. No. 2 red winter wheat shall be pure winter wheat, red or red and white mixed, sound and reasonably clean. Amber, Nos. 1 and 2, shall include the lighter colored varieties of red wheat, quality and condition to be equal to the present standard of Nos. 1 and 2 red winter wheat. No. 3 winter wheat shall include winter wheat not clean and plump enough for No. 2, and weighing not less than fifty five pounds. Rejected winter wheat shall include winter wheat, damp, musty, or from any cause so badly damaged as to render it unfit for No. 3.

Spring wheat.

No. 1 spring wheat shall be plump and well cleaned. No. 2 spring wheat shall be sound, reasonably clean, and weighing not less than fifty-six pounds to the measured bushel. Hard spring wheat Nos. 1 and 2 shall include the hard varieties of spring wheat; quality and condition to be equal to the present standard of Nos. 1 and 2 spring wheat. No. 3 spring wheat shall be reasonably clean, not good enough for No. 2, weighing not less than fifty-four pounds. All spring wheat damp, musty, grown, badly bleached, or, from any other cause, unfit for No. 3, shall be graded as rejected. In case of mixture of spring and winter wheat, it shall be called spring wheat, and graded according to the quality thereof. Black sea and flinty life wheat in no case shall be inspected higher than No. 2, and rice wheat no higher than rejected.

Corn.

White corn shall be white, and in all other respects No. 1 corn. Yellow corn shall be yellow, and in all other respects be No. 1 corn. No. 1 corn shall be sound, dry, plump, and well cleaned white and [or] yellow. No. 2 corn shall be dry, reasonably clean, but not plump enough for No. 1. All damp, dirty, or otherwise badly damaged corn shall be

graded as rejected. No. 2 kiln-dried corn shall be sound, plump, and well cleaned white or yellow corn. All kiln-dried corn not good enough for No. 2 kiln-dried, shall be graded as rejected kiln-dried corn.

No. 1 oats shall be white, sound, clean and reasonably free from other grain. No. 2 oats shall be sound, reasonably clean, and reasonably free from other grain. Rejected oats shall include such as are damp, unsound, dirty, or from any cause unfit for No. 2. Oats.

No. 1 rye shall be sound, plump, and well cleaned. No. 2 rye shall be sound, reasonably clean, and reasonably free from other grain. All rye which is damp, musty, dirty, or which is from any other cause unfit for No. 2 rye, shall be graded as rejected. Rye.

No. 1 barley shall be plump, bright, sound, clean, and free from other grain. No. 2 barley shall be reasonably clean and sound, but not bright or plump enough for No. 1, and reasonably free from other grain. No. 3 barley shall include shrunken or otherwise slightly damaged barley, not weighing less than forty-two pounds to the measured bushel. All barley which is damp, musty, or from any cause is badly damaged, or largely mixed with other grain, shall be graded as rejected. Barley.

All grain that is warm or is in a heating condition shall not be graded. In the inspection of grain, the weight shall not alone determine the grade. All inspectors shall make their reasons for grading grain, when necessary, fully known, by notations on their books. All wheat shall be weighed and the weight entered on the inspector's book. Further provisions.

§ 14. It shall be the duty of the governor to appoint, by and with the advice and consent of the senate, a suitable person, who shall not be a member of the board of trade, and who shall not be interested, either directly or indirectly, in any warehouse in this state, a chief inspector of grain, who shall hold his office for the term of two years, unless sooner removed, as hereinafter provided, for every city in which is located a warehouse of class A. It shall be the duty of such chief inspector of grain to have a general supervision of the inspection of grain as required by this act or laws of this state, under the advice and immediate direction of the board of commissioners of railroads and warehouses. The said chief inspector shall be authorized to nominate to the commissioners of railroads and warehouses, such suitable persons, in sufficient numbers, as may be deemed qualified for assistant inspectors, who shall not be members of the board of trade, nor interested in any warehouse, and, also, such other employes as may be necessary to properly conduct the business of his office; and the said commissioners are authorized to make such appointments. The chief inspector shall, upon entering upon the duties of his office, be required to take an oath as in other cases of officers, and Chief inspector of grain.

Assistant inspectors.

Oath and bond of inspectors.

Power of the
board of com-
missioners.

he shall execute a bond to the People of the State of Illinois, in the penal sum of fifty thousand dollars, with sureties to be approved by the board of commissioners of railroads and warehouses, with a condition therein, that he will faithfully and strictly discharge the duties of his said office of inspector according to law, and the rules and regulations prescribing his duties; and that he will pay all damages to any person or persons who may be injured by reason of his neglect, refusal or failure to comply with law, and the rules and regulations aforesaid. And each assistant inspector shall take a like oath, execute a bond in the penal sum of five thousand dollars, with like conditions, and to be approved in like manner as is provided in case of the chief inspector, which said several bonds shall be filed in the office of said commissioners; and suit may be brought upon said bond or bonds in any court having jurisdiction thereof, in the county where the plaintiff or defendant resides, for the use of [the] person or persons injured. The chief inspector of grain, and all assistant inspectors of grain, and other employes in connection therewith, shall be governed in their respective duties by such rules and regulations as may be prescribed by the board of commissioners of railroads and warehouses; and the said board of commissioners shall have full power to make all proper rules and regulations from [for] the inspection of grain; and shall, also, have power to fix the rate of charges for the inspection of grain, and the manner in which the same shall be collected; which charges shall be regulated in such a manner as will, in the judgment of the commissioners, produce sufficient revenue to meet the necessary expenses of the service of inspection, and no more. It shall be the duty of the said board of commissioners to fix the amount of compensation to be paid to the chief inspector, assistant inspectors, and all other persons employed in the inspection service, and prescribe the time and manner of their payment. The said board of commissioners of railroads and warehouses are hereby authorized to appoint a suitable person as warehouse registrar, and such assistants as may be deemed necessary to perform the duties imposed upon such registrar by the provisions of this act. The said board of commissioners shall have and exercise a general supervision and control of such appointees; shall prescribe their respective duties; shall fix the amount of their compensation, and the time and manner of its payment. Upon the complaint, in writing, of any person, to the said board of commissioners, supported by reasonable and satisfactory proof, that any person appointed or employed under the provisions of this section has violated any of the rules prescribed for his government, has been guilty of any improper official act, or has been found inefficient or incompetent for the duties of his position, such person shall be immediately removed from his office or employ-

Proceedings
upon complaint

ment by the same authority that appointed him; and his place shall be filled, if necessary, by a new appointment, or in case it shall be deemed necessary to reduce the number of persons so appointed or employed, their term of service shall cease under the orders of the same authority by which they were appointed or employed. All necessary expenses incident to the inspection of grain, and to the office of registrar, economically administered, including the rent of suitable offices, shall be deemed expenses of the inspection service, and shall be included in the estimate of expenses of such inspection service, and shall be paid from the funds collected for the same.

§ 15. Every warehouseman of public warehouses of class A shall be required, during the first week in January of each year, to publish in one or more of the newspapers (daily, if there be such,) published in the city in which such warehouse is situated, a table or schedule of rates for the storage of grain in his warehouse during the ensuing year, which rates shall not be increased (except as provided for in section sixteen of this act) during the year; and such published rates, or any published reduction of them, shall apply to all grain received into such warehouse from any person or source, and no discrimination shall be made, directly or indirectly, for or against any charges made by such warehouseman for the storage of grain. The maximum charge for storage and handling of grain, including the cost of receiving and delivering, shall be; for the first thirty days, or part thereof, two cents per bushel, and for each fifteen days, or part thereof, after the first thirty days, one-half of one cent per bushel: *Provided, however,* that grain damp or liable to early damage, as indicated by its inspection when received, may be subject to two cents per bushel storage for the first ten days, and for each additional five days, or part thereof, not exceeding one half of one cent per bushel.

Schedule of
rates for the
year.

Maximum
charges fixed.

§ 16. No public warehouseman shall be held responsible for any loss or damage to property by fire, while in his custody, provided reasonable care and vigilance be exercised to protect and preserve the same; nor shall he be held liable for damage to grain by heating, if it can be shown that he has exercised proper care in handling and storing the same, and that such heating or damage was the result of causes beyond his control; and, in order that no injustice may result to the holder of grain in any public warehouse of classes A or B, it shall be deemed the duty of such warehouseman to dispose of, by delivery or shipping, in the ordinary and legal manner of so delivering, that grain of any particular grade which was first received by them, or which has been for the longest time in store in his warehouse; and, unless public notice has been given that some portion of the grain in his warehouse is out of condition or becom-

Loss by fire or
heating.

Notice given
of grain out of
condition.

Care and vigi-
lance also re-
quired.

ing so, such warehouseman shall deliver grain of quality equal to that received by him, on all receipts as presented. In case, however, any warehouseman of classes A or B shall discover that any portion of the grain in his warehouse is out of condition or becoming so, and it is not in his power to preserve the same, he shall immediately give public notice, by advertisement in a daily newspaper in the city in which such warehouse is situated, and by posting a notice in the most public place (for such a purpose) in such city, of its actual condition, as near as he can ascertain it; shall state in such notice the kind and grade of the grain, and the bins in which it is stored; and shall also state in such notice the receipts outstanding upon which such grain will be delivered, giving the numbers, amounts and dates of each—which receipts shall be those of the oldest dates then in circulation or uncanceled, the grain represented by which has not previously been declared or receipted for as out of condition, or if the grain longest in store has not been receipted for, he shall so state, and shall give the name of the party for whom such grain was stored, the date it was received, and the amount of it; and the enumeration of receipts and identification of grain so discredited, shall embrace, as near as may be, as great a quantity of grain as is contained in such bins, and such grain shall be delivered upon the return and cancellation of the receipts and the unreceipted grain, upon the request of the owner or person in charge thereof. Nothing herein contained shall be held to relieve the said warehouseman from exercising proper care and vigilance in preserving such grain after such publication of its condition; but such grain shall be kept separate and apart from all direct contact with other grain, and shall not be mixed with other grain while in store in such warehouse. Any warehouseman guilty of any act or neglect, the effect of which is to depreciate property stored in the warehouse under his control, shall be held responsible as at common law, or upon the bond of such warehouseman, and, in addition thereto, the license of such warehouseman, if his warehouse be of class A, shall be revoked. Nothing in this section shall be so construed as to permit any warehouseman to deliver any grain stored in a special bin, or by itself, as provided in this act, to any but the owner of the lot, whether the same be represented by a warehouse receipt or otherwise. In case the grain declared out of condition, as herein provided for, shall [not] be removed from store by the owner thereof within two months from the date of the notice of its being out of condition, it shall be lawful for the warehouseman where the grain is stored to sell the same at public auction, for account of said owner, by giving ten days' public notice, by advertisement in a newspaper (daily, if there be such,) published in the city or town where such warehouse is located.

§ 17. It shall not be lawful for any public warehouseman to mix any grain of different grades together, or to select different qualities of the same grade for the purpose of storing or delivering the same, nor shall he attempt to deliver grain of one grade for another, or in any way tamper with grain while in his possession or custody, with a view of securing any profit to himself or any other person; and in no case, even of grain stored in a separate bin, shall he be permitted to mix grain of different grades together while in store. He may, however, on request of the owner of any grain stored in a private bin, be permitted to dry, clean, or otherwise improve the condition or value of any such lot of grain; but in such case it shall only be delivered as such separate lot, or as the grade it was originally when received by him, without reference to the grade it may be as improved by such process of drying or cleaning. Nothing in this section, however, shall prevent any warehouseman from moving grain while within his warehouse for its preservation or safe keeping.

Mixing different grades.

§ 18. All persons owning property, or who may be interested in the same, in any public warehouse, and all duly authorized inspectors of such property, shall at all times, during ordinary business hours, be at full liberty to examine any and all property stored in any public warehouse in this state, and all proper facilities shall be extended to such person by the warehouseman, his agents and servants, for an examination; and all parts of public warehouses shall be free for the inspection and examination of any person interested in property stored therein, or of any authorized inspector of such property. And all scales used for the weighing of property in public warehouses shall be subject to examination and test by any duly authorized inspector or sealer of weights and measures, at any time when required by any person or persons, agent or agents, whose property has been or is to be weighed on such scales—the expense of such test by an inspector or sealer to be paid by the warehouse proprietor if the scales are found incorrect, but not otherwise. Any warehouseman who may be guilty of continuing to use scales found to be in an imperfect or incorrect condition by such examination and test, until the same shall have been pronounced correct and properly sealed, shall be liable to be proceeded against as hereinafter provided.

Examination of property stored.

Testing scales

§ 19. In all places where there are legally appointed inspectors of grain, no proprietor or manager of a public warehouse of class B shall be permitted to receive any grain and mix the same with the grain of other owners, in the storage thereof, until the same shall have been inspected and graded by such inspector.

Inspection required.

§ 20. Any person who shall assume to act as an inspector of grain, who has not first been so appointed and sworn,

Penalties against inspectors.

shall be held to be an impostor, and shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars for each and every attempt to so inspect grain, to be recovered before a justice of the peace. Any duly authorized inspector of grain who shall be guilty of neglect of duty, or who shall knowingly or carelessly inspect or grade any grain improperly, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty, or the improper performance of any duty as such inspector of grain; and any person who shall improperly influence any inspector of grain in the performance of his duties as such inspector, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in a sum not less than one hundred [dollars,] nor more than one thousand dollars, in the discretion of the court, or shall be imprisoned in the county jail not less than three nor more than twelve months, or both, in the discretion of the court.

Where the inspection is not satisfactory.

Removal of the grain.

§ 21. In case any owner or consignee of grain shall be dissatisfied with the inspection of any lot of grain, or shall, from any cause, desire to receive his property without its passing into store, he shall be at liberty to have the same withheld from going into any public warehouse (whether the property may have previously been consigned to such warehouse or not), by giving notice to the person or corporation in whose possession it may be at the time of giving such notice; and such grain shall be withheld from going into store, and be delivered to him, subject only to such proper charges as may be a lien upon it prior to such notice. The grain, if in railroad cars, to be removed therefrom by such owner or consignee within twenty-four hours after such notice has been given to the railroad company having it in possession: *Provided*, such railroad company place the same in a proper and convenient place for unloading; and any person or corporation refusing to allow such owner or consignee to so receive his grain shall be deemed guilty of conversion, and shall be liable to pay such owner or consignee double the value of the property so converted. Notice that such grain is not to be delivered into store may also be given to the proprietor or manager of any warehouse into which it would otherwise have been delivered, and if, after such notice, it be taken into store in such warehouse, the proprietor or manager of such warehouse shall be liable to the owner of such grain for double its market value.

Unlawful combinations.

§ 22. It shall be unlawful for any proprietor, lessee or manager of any public warehouse, to enter into any contract, agreement, understanding, or combination, with any railroad company or other corporation, or with any individual or individuals, by which the property of any person is to be delivered to any public warehouse for storage or for any other purpose, contrary to the direction of the

owner, his agent, or consignee. Any violation of this section shall subject the offender to be proceeded against as provided in section twenty-three of this act.

§ 23. If any warehouseman of class A shall be guilty of a violation of any of the provisions of this act, it shall be lawful for any person injured by such violation to bring suit in any court of competent jurisdiction, upon the bond of such warehouseman, in the name of the People of the State of Illinois, to the use of such person. In all criminal prosecutions against a warehouseman, for the violation of any of the provisions of this act, it shall be the duty of the prosecuting attorney of the county in which such prosecution is brought, to prosecute the same to a final issue, in the name of and on behalf of the People of the State of Illinois.

Suits against
warehousemen.

§ 24. Warehouse receipts for property stored in any class of public warehouses, as herein described, shall be transferable by the indorsement of the party to whose order such receipt may be issued, and such indorsement shall be deemed a valid transfer of the property represented by such receipt, and may be made either in blank or to the order of another. All warehouse receipts for property stored in public warehouses of class C shall distinctly state on their face the brand or distinguishing marks upon such property.

Warehouse re-
ceipts negotia-
ble.

§ 25. Any warehouseman of any public warehouse who shall be guilty of issuing any warehouse receipt for any property not actually in store at the time of issuing such receipt, or who shall be guilty of issuing any warehouse receipt in any respect fraudulent in its character, either as to its date or the quantity, quality, or inspected grade of such property, or who shall remove any property from store (except to preserve it from fire or other sudden danger), without the return and cancellation of any and all outstanding receipts that may have been issued to represent such property, shall, when convicted thereof, be deemed guilty of a crime, and shall suffer, in addition to any other penalties prescribed by this act, imprisonment in the penitentiary for not less than one, and not more than ten years.

Penalties—
fraudulent re-
ceipts.

§ 26. Nothing in this act shall deprive any person of any common law remedy now existing.

Other remedies.

§ 27. All proprietors or managers of public warehouses shall keep posted up at all times, in a conspicuous place in their business offices, and in each of their warehouses, a printed copy of this act.

Act posted up.

§ 28. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal.

APPROVED April 25, 1871.

In force Nov. 2, 1871. AN ACT to limit the application of section twenty-five (25) of "An act to regulate public warehouses and the warehousing of grain, and to give effect to article thirteen of the constitution of this state," approved April 25, 1871.

Preamble.

WHEREAS, in the great conflagration in the city of Chicago, large numbers of the receipts for grain, issued by warehouses of class "A" in said city, have been destroyed; and whereas, section twenty-five of the act to regulate warehouses and the warehousing of grain imposes a penalty upon such warehousemen for delivering grain, except upon presentation of the receipts given therefor; therefore,

Removal of grain from warehouses.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of section twenty-five of an act entitled "An act to regulate public warehouses and the warehousing and inspection of grain, and to give effect to article thirteen of the constitution of this state," as is embraced in the following words, to-wit: "Or who shall remove any property from store except to preserve it from fire or other sudden danger, without the return and cancellation of any and all outstanding receipts that may have been issued to represent such property," shall not be held to apply to warehouse receipts issued by any warehouse of class "A" dated prior to October eight, eighteen hundred and seventy-one: *Provided,* that this section shall only apply to the removal of such grain as is covered by warehouse receipts issued prior to October eight, eighteen hundred and seventy-one, and which have been destroyed by fire on October eighth or ninth, proof of which destruction by fire shall be made under oath, to the satisfaction of the warehousemen issuing said receipts.

Emergency.

§ 2. Whereas, on account of the destruction of said receipts, an emergency exists that this act should take effect immediately: therefore, *Be it further enacted,* that this act shall take effect and be in force from and after its passage.

I, EDWARD RUMMEL, secretary of state, do hereby certify that the foregoing act of the twenty-seventh general assembly, of the state of Illinois, was filed in the office of the secretary of state, November fourth, one thousand eight hundred and seventy-one, by the governor, without his approval, and that said bill has become a law by virtue of section sixteen, of article five, of the constitution.

EDWARD RUMMEL,
Secretary of State.

WILLS.

AN ACT in regard to wills.

In force July 1,
1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every male person of the age of twenty-one years, and every female of the age of eighteen years, being of sound mind and memory, shall have power to devise all the estate, right, title and interest, in possession, reversion or remainder, which he or she hath, or at the time of his or her death shall have, of, in and to any lands, tenements, hereditaments, annuities or rents, charged upon or issuing out of them, or goods and chattels, and personal estate of every description whatsoever, by will or testament.

Power to re-
vise real and
personal estate.

§ 2. All wills, testaments and codicils, by which any lands, tenements, hereditaments, annuities, rents or goods and chattels are devised, shall be reduced to writing, and signed by the testator or testatrix, or by some person in his or her presence, and by his or her direction, and attested in the presence of the testator or testatrix, by two or more credible witnesses, two of whom, declaring on oath or affirmation, before the county court of the proper county, that they were present and saw the testator or testatrix sign said will, testament or codicil, in their presence, or acknowledged the same to be his or her act and deed, and that they believed the testator or testatrix to be of sound mind and memory at the time of signing or acknowledging the same, shall be sufficient proof of the execution of said will, testament or codicil, to admit the same to record: *Provided*, that no proof of fraud, compulsion or other improper conduct be exhibited, which, in the opinion of said county court, shall be deemed sufficient to invalidate or destroy the same; and every will, testament or codicil, when thus proven to the satisfaction of the court, shall, together with the probate thereof, be recorded by the clerk of said court, in a book to be provided by him for that purpose, and shall be good and available in law for the granting, conveying and assuring the lands, tenements and hereditaments, annuities, rents, goods and chattels therein and thereby devised, granted and bequeathed.

To be reduced
to writing—
signed and at-
tested.

§ 3. It shall be the duty of each and every witness to any will, testament or codicil, made and executed in this state, as aforesaid, to be and appear before the county court on the regular day for the probate of such will, testament or codicil, to testify of and concerning the execution and validity of the same; and the said court shall have power and authority to attach and punish, by fine and imprison-

Duties of wit-
nesses.

ment, or either, any witness who shall, without a reasonable excuse, fail to appear when duly summoned for the purpose aforesaid: *Provided*, the said punishment, by imprisonment, shall in no case exceed the space of twenty days; nor shall a greater fine be assessed, for any such default, than the sum of fifty dollars.

When witness
is non-resident.

§ 4. When any will, testament or codicil shall be produced to the county court, for probate of the same, and any witness attesting such will, testament or codicil, shall reside without the limits of this state, or the county in which such will, testament or codicil is produced for probate, or shall be unable to attend said court, it shall be lawful for the county court to issue a *dedimus potestatem*, or commission, annexed to such will, testament or codicil, directed to some judge, justice of the peace, mayor or other chief magistrate of the city, town, corporation or county where such witness may be found, authorizing the taking and certifying of his or her attestation in due form of law. And if the person to whom any such commission shall be directed, shall certify, in the manner that such acts are usually authenticated, that the witness personally appeared before him, and made oath or affirmation that the testator or testatrix signed and published the writing annexed to such commission, or acknowledge the execution thereof, as his or her last will and testament; or that some other person signed the testator's name by his or her direction; that he or she was of sound mind and memory; and that said witness subscribed his or her name as a witness thereto, in the presence of the testator or testatrix, and at his or her request, such oath or affirmation shall have the same operation, and the will shall be admitted to probate in like manner, as if such oath or affirmation had been made in the court from whence such commission issued.

When county
judge is a wit-
ness.

§ 5. In all cases where a county judge or such other person as may be authorized by law to grant probate of wills and testaments, may and shall have become a witness to any will or testament which is required by law to be proved before him as such county judge or person authorized to grant probate, as aforesaid, and the testimony of such witness is necessary to the proof of the same, then, and in such case, it shall be his duty to go before the circuit court of the county in which such will is to be admitted to record, and make proof of the execution of the same, in the same manner that probate of wills is required to be made in other cases. And it shall be the duty of the clerk of the circuit court aforesaid, forthwith to certify such will, proven as aforesaid, to the county court of the county; and said will shall, thereupon, have the same force and effect that it would have had if it had been proven by one credible witness before the county court; and if there are other

witnesses to said will, the county court shall take their evidence in support of said will, as in other cases.

§ 6. In all cases where any one or more of the witnesses to any will, testament or codicil, as aforesaid, shall die or remove to parts unknown to the parties concerned, so that his or her testimony cannot be procured, it shall be lawful for the county court, or other court having jurisdiction of the subject matter, to admit proof of the handwriting of any such deceased or absent witness, as aforesaid, and such other secondary evidence as is admissible in courts of justice, to establish written contracts generally, in similar cases; and may thereupon proceed to record the same, as though such will, testament or codicil had been proved by such subscribing witness or witnesses, in his, her or their proper persons.

Death or removal of witnesses.

§ 7. When any will, testament or codicil shall be exhibited in the county court, for probate thereof, as aforesaid, it shall be the duty of the court to receive probate of the same without delay, and to grant letters testamentary thereon to the person or persons entitled; and to do all other needful acts, to enable the parties concerned to make settlement of the estate at as early a day as shall be consistent with the rights of the respective persons interested therein: *Provided, however*, that if any person interested shall, within three years after the probate of any such will, testament or codicil in the county court as aforesaid, appear, and by his or her bill in chancery, contest the validity of the same, an issue at law shall be made up, whether the writing produced be the will of the testator or testatrix or not; which shall be tried by a jury in the circuit court of the county wherein such will, testament or codicil shall have been proven and recorded as aforesaid, according to the practice in courts of chancery in similar cases; but if no such person shall appear within the time aforesaid, the probate as aforesaid shall be forever binding and conclusive on all the parties concerned, saving to infants, *femes covert*, persons absent from the state or *non compos mentis*, the like period after the removal of their respective disabilities. And in all such trials by jury, as aforesaid, the certificate of the oath of the witnesses at the time of the first probate, shall be admitted as evidence, and to have such weight as the jury shall think it may deserve.

When will is presented for probate.

§ 8. If any beneficial devise, legacy or interest shall be made or given, in any will, testament or codicil, to any person subscribing such will, testament or codicil, as a witness to the execution thereof, such devise, legacy or interest shall, as to such subscribing witness, and all persons claiming under him, be null and void, unless such will, testament or codicil be otherwise duly attested by a sufficient number of witnesses exclusive of such person, according to this act; and he or she shall be compellable to appear and

Interested witnesses.

give testimony on the residue of such will, testament or codicil, in like manner as if no such devise or bequest had been made. But if such witness would have been entitled to any share of the testator's estate, in case the will, testament or codicil was not established, then so much of such share shall be saved to such witness as shall not exceed the value of the said devise or bequest made to him or her as aforesaid.

Wills attested
without this
state.

§ 9. All wills, testaments and codicils, or authenticated copies thereof, proven according to the laws of any of the United States, or the territories thereof, or of any country out of the limits of the United States, and touching or concerning estates within this state, accompanied with a certificate of the proper officer or officers, that said will, testament, codicil or copy thereof, was duly executed and proved, agreeably to the laws and usages of that state or country in which the same was executed, shall be recorded as aforesaid, and shall be good and available in law, in like manner as wills made and executed in this state.

May be admitted
to probate.

§ 10. All wills, testaments and codicils, which heretofore have been, or shall hereafter be made, executed and published out of this state, may be admitted to probate in any county in this state in which the testator may have been seized of lands, or other real estate, at the time of his death, in the same manner, and upon like proof as if the same had been made, executed and published in this state, whether such will, testament or codicil, has first been probated in the state, territory or country in which it was made and declared or not. And all original wills, or copies thereof, duly certified according to law, or exemplifications from the records in pursuance of the law of congress in relation to records in foreign states, may be recorded as aforesaid, and shall be good and available in law, the same as wills proved in such county court.

Place of residence.

§ 11. If any testator or testatrix shall have a mansion house or known place of residence, his or her will shall be proved in the court of the county wherein such mansion house or place of residence shall be. If he or she has no place of residence, and lands be devised in his or her will, it shall be proved in the court of the county wherein the lands lie, or in one of them, where there shall be land in several different counties; and if he or she have no such known place of residence, and there be no lands devised in such will, the same may be proved either in the county where the testator or testatrix shall have died, or that wherein his or her estate, or the greater part thereof, shall lie.

In possession
for safe keeping.

§ 12. Any person or persons who may have in his or her possession any last will or testament of another, for safe keeping or otherwise, shall, immediately upon the death of the testator or testatrix, deliver up said will to the county

court of the proper county; and upon a failure or refusal so to do, the county court may issue attachment, and compel the production of the same; and the person or persons thus withholding any such will, testament or codicil, as aforesaid, shall forfeit and pay twenty dollars per month, from the time the same shall be thus wrongfully withheld, to be recovered by action of debt for the use of the estate, by any person who will sue for the same, in any court having jurisdiction thereof; and if any person to whom a will, testament or codicil hath been or shall be delivered by the party making it, for safe custody as aforesaid, shall alter or destroy the same without the direction of the said party, or shall willfully secrete it for the space of six months after the death of the testator or testatrix shall be known to him or her, the person so offending shall, on conviction thereof, be sentenced to such punishment as is or shall be inflicted by law, in cases of larceny.

§ 13. When the probate of any will and testament shall have been refused by any county court, and an appeal shall have been taken from the order or decision of such court refusing to admit such will to probate, into the circuit court of the proper county, as provided by law, it shall be lawful for the party seeking probate of such will, to support the same, on hearing in such circuit court, by any evidence competent to establish a will in chancery; and in case probate of such will shall be allowed on such appeal, it shall be admitted to probate, liable, however, to be subsequently contested, as provided in the case of wills admitted to probate in the first instance.

When probate
is refused.

§ 14. Appeals may be taken from the order of the county court, allowing or disallowing any will to probate, to the circuit court of the same county, by any person interested in such will, in the same time and manner as appeals may be taken from justices of the peace, except that the appeal bond and security may be approved by the clerk of the county court; and the trials of such appeals shall be *de novo*.

Appeals.

§ 15. A nuncupative will shall be good and available in law for the conveyance of personal property thereby bequeathed, if committed to writing within twenty days after the making thereof, and proven before the county court by two or more credible, disinterested witnesses, who were present at the speaking and publishing thereof, who shall declare, on oath or affirmation, that they were present and heard the testator pronounce the said words, and that they believed him to be of sound mind and memory; and that he or she did at the same time, desire the persons present, or some of them, to bear witness that such was his or her will, or words to that effect; and that such will was made in the time of the last sickness of the testator or testatrix; and it being also proven by two disinterested witnesses, other than those hereinbefore mentioned, that the said will

Nuncupative
wills.

was committed to writing within ten days after the death of the testator or testatrix; and no proof of fraud, compulsion or other improper conduct be exhibited, which, in the opinion of said court, shall be sufficient to invalidate or destroy the same; and all such wills, when proven and authenticated as aforesaid, shall be recorded in like manner as other wills are directed to be recorded by this act: *Provided*, that no letters testamentary shall be granted on such will, until the expiration of sixty days after the death of the testator or testatrix.

When proved
and recorded.

§ 16. In all cases where a nuncupative will shall be proved and recorded as aforesaid, the court shall issue a citation to the heirs and legal representatives of the testator or testatrix, if they reside in the county; if not, then said court shall cause an advertisement to be inserted in some one of the newspapers printed in this state, notifying the said heirs and legal representatives of the testator or testatrix, at what time and place letters testamentary will be granted upon such will, requiring them and each of them to appear and show cause, if any they have, why letters testamentary should not be granted; and if no sufficient cause be shown, letters shall be granted thereon, as in other cases.

Revocation of
will.

§ 17. No will, testament or codicil shall be revoked, otherwise than by burning, canceling, tearing or obliterating the same, by the testator himself, or in his presence, by his direction and consent, or by some other will, testament or codicil in writing, declaring the same, signed by the testator or testatrix, in the presence of two or more witnesses, and by them attested in his or her presence; and no words spoken shall revoke or annul any will, testament or codicil in writing, executed as aforesaid, in due form of law.

Original wills.

§ 18. All original wills, together with the probate thereof, shall remain in the office of the clerk of the county court of the proper county; and copies of the record of the same, and copies of the record of exemplifications of foreign wills recorded in said office, as in this act provided, duly certified under the hand of the clerk and the seal of said court, shall be evidence in any court of law or equity in this state.

Debtor as executor.

§ 19. In no case hereafter, within this state, where any testator or testatrix shall, by his or her will, appoint his or her debtor to be his or her executor or executrix, shall such appointment operate as a release or extinguishment of any debt due from such executor or executrix, to such testator or testatrix, unless the testator or testatrix shall, in such will, expressly declare his or her intention to devise, bequeath or release such debt; nor even in that case, unless the estate of such testator or testatrix is sufficient to discharge the whole of his or her just debts, over and above the debt due from such executor or executrix.

§ 20. If any lands, tenements or hereditaments shall be charged with any debt or debts, by any will, testament or codicil, and the creditor whose debt is so secured shall attest the execution of the same, such creditor shall, notwithstanding, be admitted as a witness to the execution thereof. Debts on lands charged by will.

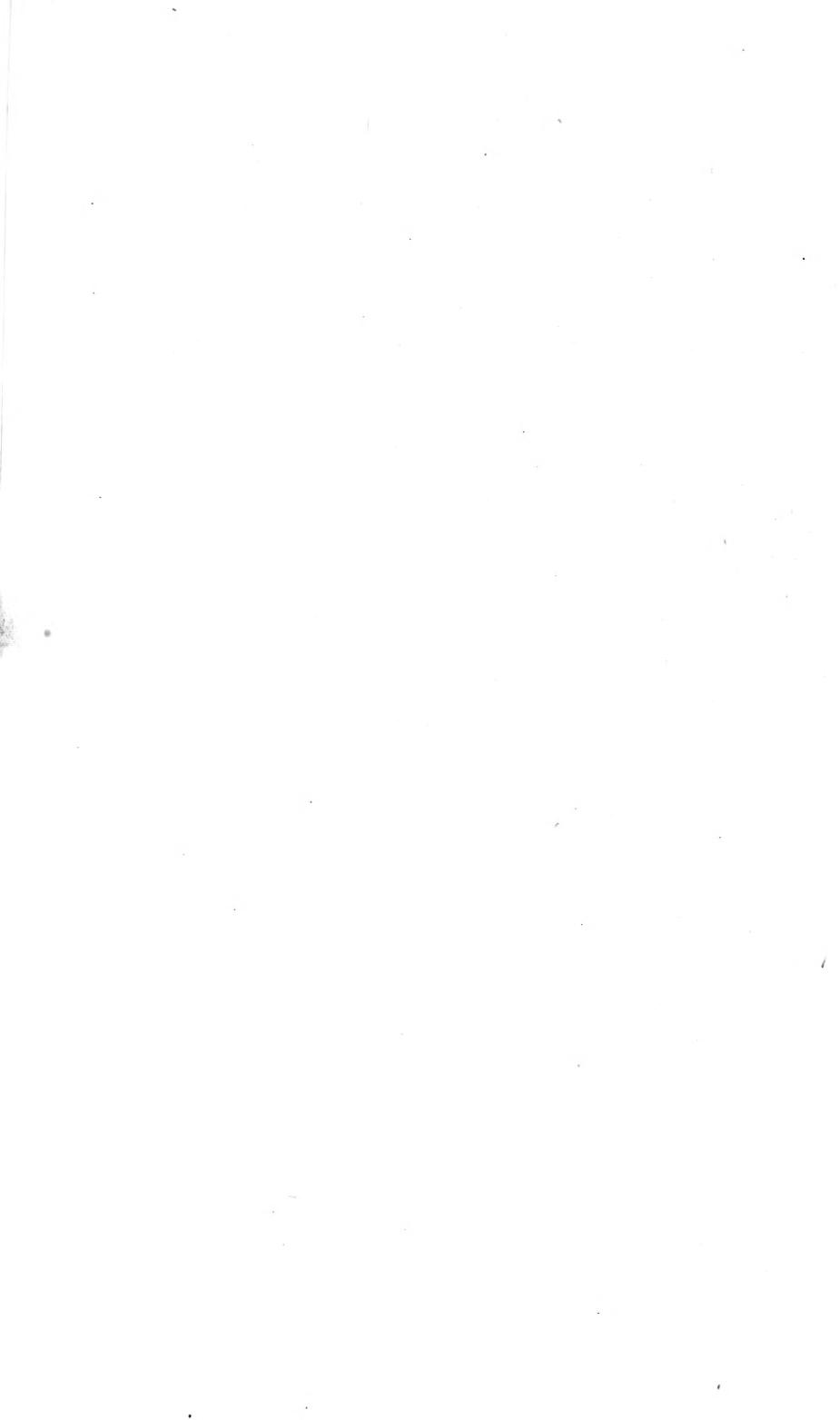
§ 21. The following acts and parts of acts are hereby repealed: Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, fifteen, sixteen, seventeen and eighteen, of chapter one hundred and nine, of the Revised Statutes of 1845, entitled "Wills;" an act entitled "An act respecting the probate of wills," approved February 25, 1845; an act entitled "An act to amend the one hundred and ninth chapter of the Revised Statutes, entitled 'Wills,'" approved February 14, 1855, and all other acts inconsistent with the provisions of this act: *Provided*, that nothing contained in this section shall be so construed as to affect any suits that may be pending, or any wills that may be existing, or any rights that may have accrued, when this act shall take effect. Acts repealed.

APPROVED March 20, 1872.

DEPARTMENT OF STATE,
SPRINGFIELD, ILLINOIS, *May 8, 1872.*

I, EDWARD RUMMEL, Secretary of State of the State of Illinois, do hereby certify that the foregoing printed laws are true and perfect copies of the enrolled laws passed at the regular and special sessions of the Twenty-seventh General Assembly, and on file in this office, with the exception of the words printed in brackets, thus [].

EDWARD RUMMEL,
Secretary of State.



JOINT RESOLUTIONS.

Adjournment—Sine Die.

Resolved by the House of Representatives, the Senate concurring herein, That this special session of the general assembly adjourn *sine die* on Tuesday, the twenty-fourth instant, at eleven o'clock A. M. *Sine die.*
October 24, 1871.

Adjournment—Temporary.

Resolved by the House of Representatives, the Senate concurring herein, That the general assembly will adjourn on Monday, April 17th, A. D. 1871, until the 15th day of November, A. D. 1871, at twelve o'clock, meridian; and that during such recess, no member, officer or employé shall receive any per diem compensation. April 17 to November 15, 1871.

Adjourned Session.

WHEREAS the corporate authorities and citizens of the city of Chicago have extended to this general assembly an invitation to hold its adjourned session in said city, offering for that purpose suitable halls, executive and committee rooms, free of expense to the state; therefore,

Resolved by the House of Representatives, the Senate concurring herein, and consenting hereto, That the invitation of the city and citizens of Chicago, aforesaid, be and the same is hereby accepted, and that the adjourned session of the present general assembly, if any such there shall be, be held in said city, upon the conditions proposed in the said invitation. *Invitation from Chicago.*

Accepting invitation.

Adjutant General's Report.

Preamble.

WHEREAS there are near four hundred copies of the adjutant general's reports now in his office which have been paid for by the state, subject to distribution ; therefore,

To be distributed to members and officers.

Resolved by the House of Representatives, the Senate concurring therein, That one copy of the adjutant general's report (1865 and 1866) be distributed to each member of the twenty-seventh general assembly and their elective officers, and that the adjutant general is hereby directed to forward the same in accordance with their instructions.

Books for Courts in Cook County.

Secretary of state to forward copies.

Resolved by the House of Representatives, the Senate concurring herein, That the secretary of state is hereby instructed and authorized to forward to the clerk of each court of record, in Cook county, to the judge of the supreme court elected in the seventh district, to the judges and attorneys of the several courts in Cook county, and the Chicago law library, who are entitled by law to receive them, one copy each of the supreme court reports, digest, statutes, laws, journals, and legislative reports, so far as the same can be supplied from books now in the secretary of state's office.

Books Stored in State House.

Preamble.

WHEREAS there is at this time a larger number of books stored in the basement and other portions of the state house than will be needed for the use of the state ; and whereas, many of said books cannot be had from any other source ; and, whereas, in consequence of the destruction of the principal libraries in Chicago, by the late fire, such books are greatly needed by the business and professional men of said city ; therefore,

Secretary of state to make inventory.

Resolved by the House of Representatives, the Senate concurring herein, That the secretary of state be and he is hereby directed to make an inventory of the surplus laws, journals and reports stored in the basement of the state house, specifying the number, kind and cost of such books, and report the same to the governor, who shall direct what

portion of said books shall be reserved for public use, and the balance of such books the secretary of state is hereby authorized to sell in such manner as the governor may prescribe, to such professional and business men of the state as may desire to purchase the same, at cost price, and deposit the proceeds in the state treasury; and he shall make report of his doings to the general assembly by the first day of December next: *Provided*, that not more than one copy of each book shall be sold to any one person: *Provided*, that the copies of the reports of the State Agricultural Society, excepting those needed for use in the state library, be turned over to the secretary of the State Agricultural Society, for the effecting of exchanges with other societies.

To be sold.

Canvass of Votes for State Officers.

Resolved by the House, the Senate concurring herein, That the two houses meet in joint session in the House of Representatives, on Saturday, the seventh day of January, instant [1871], at eleven o'clock, for the purpose of canvassing the returns of the election for state treasurer and state superintendent of public instruction.

Joint session.

Carbondale City Bonds:

Resolved by the Senate, the House concurring herein, That the governor be and he is hereby instructed to sell to the city of Carbondale the bonds of said city now in his possession, issued by the said city for the use and benefit of the Illinois Normal University, at Carbondale, in accordance with the provisions of "An act to appoint commissioners to construct the Southern Illinois Insane Asylum and the Southern Illinois Normal University, and to make appropriations therefor," approved April 13th, 1871, for no less than thirty thousand dollars, in full, of said bonds and the interest that may have accrued thereon; which amount, when so paid, shall be transferred to the commissioners of the said Southern Illinois Normal University, located at Carbondale, to be used by them in the construction and completion of the same: *Provided*, that said sum of thirty thousand dollars be paid on or before the 1st day of July, 1872.

Governor to sell to city of Carbondale.

Chicago Sufferers—Aid for.

Resolution of
thanks.

Be it resolved by the House of Representatives, the Senate concurring herein, That the thanks of the People of the State of Illinois, by this general assembly, are hereby tendered to the people everywhere, who, by their promptitude and generous liberality, have so nobly provided for the immediate necessities of the afflicted people of Chicago.

Chicago—Building Material.

Reduction of
tariff.

Resolved by the House of Representatives, the Senate concurring herein, That our senators in congress be instructed, and our representatives requested, to support any measure having for its object the reduction of the tariff on lumber and other building material to be used in rebuilding the city of Chicago.

Chicago Conflagration.

Preamble.

WHEREAS, the most destructive conflagration known in history has recently swept over the city of Chicago, destroying untold millions of dollars' worth of property, and the homes of more than a hundred thousand people, occasioning a frightful loss of human life, and producing the greatest suffering; and whereas, this appalling calamity has left houseless and penniless many thousands of people, whose destitute condition and great misfortunes now appeal to the civilized world for material aid and christian sympathy; and whereas, this unparalleled disaster constitutes "an extraordinary occasion" in the affairs of the state, requiring the convening of the two houses of the general assembly in special session, to consider measures of relief; therefore, be it

Resolution of
sympathy.

Resolved by the House, the Senate concurring herein, That we do hereby extend to all the sufferers by this great conflagration the most earnest and heartfelt sympathies of the whole people of the state of Illinois; that while profoundly sympathizing with the people of Chicago in this their great affliction and hour of need, we will also extend to them material aid to the extent of our powers under the constitution, and as far as the resources of the state will admit.

Resolved, That the secretary of state be requested to forward to the mayor of Chicago a copy of the foregoing preamble and resolution.

Dam in Calumet River.

WHEREAS the completion of the deep cut in the Illinois and Michigan Canal obviates the necessity of continuing the dam which has heretofore made the Calumet river a feeder to said canal; and whereas said dam has for years caused an overflow of large tracts of land in the counties of Lake and Porter, in the state of Indiana; and whereas the governor of Indiana has sent a commission to this general assembly requesting the removal of said dam; and whereas justice and good amity to our neighboring state of Indiana, to which the state of Illinois feels under deep obligations for its courtesy and kindness in permitting the construction and continuance of said dam; therefore,

Resolved by the Senate, the House concurring herein, That the canal commissioners are hereby instructed to cause the removal of said dam without unnecessary delay.

Preamble.

Commissioners
to cause re-
moval. }

Dykes in Mississippi River.

WHEREAS a memorial to congress has been numerously signed by leading citizens of Missouri and Illinois, asking congress to make an appropriation of one million and a half of dollars to be immediately expended in the construction of permanent dykes in the Mississippi river, between the mouth of the Missouri river and Cairo, at different points, now difficult and dangerous to navigation on account of said sand bars, wrecks of vessels and other hidden obstructions in the channel; and whereas, the system of permanent dykes has proved to be the only really effective means of diverting and controlling the waters of the Mississippi, and that this legislature is fully convinced that by confining the current of the river to a rocky shore in every instance where nature has furnished one, and that by straightening and deepening the channel by means of dykes, where it has a tendency to spread out, a depth of water can be obtained sufficient to float, during the whole season of navigation, vessels of eight and ten feet draught, from the mouth

Preamble.

of the Missouri river to the sea; and whereas it has always been the policy and pleasure of the people of this state to encourage every movement, private or public, state or national, which tends to protect and develop our great commercial and marine interest; now therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, That our senators be instructed and our representatives requested to use all honorable means to effect the immediate making of the said appropriation, and that the governor be requested to transmit a copy of these resolutions to each of the members of congress from this state, and to the governor of the state of Missouri.

Instructions to
senators and re-
presentatives.

Illinois and Michigan Canal—Lease.

Preamble.

WHEREAS on the second day of December, in the year of our Lord eighteen hundred and seventy, the board of trustees of the Illinois and Michigan Canal executed a certain paper, by which it is alleged or claimed that one Adam Smith, of the city of Chicago, acquired some right or interest in, or right to use and occupy ninety (90) feet on each side of the canal, beginning at the west line of section twenty-nine (29), in township thirty-nine (39) north, of range fourteen (14) east, of the third principal meridian, where the same crosses the canal—thirty thousand feet—subject to certain conditions therein named, and being the property of the Illinois and Michigan Canal; and whereas, in the judgment of the general assembly the said paper is not binding upon the state of Illinois, and that it is contrary to the interests of the people thereof that the said Smith or any other person should, upon any pretense whatever, be permitted to have or acquire any interest in said strip, or any right to use or occupy the same in any manner or to any extent whatever; therefore,

Resolved by the House of Representatives, the Senate concurring herein, That said paper so executed and claiming, be and the same is hereby declared "not valid," and not binding upon the state, and that the governor be requested to instruct the attorney-general of this state to give notice thereof to said Adam Smith, and to the board of trustees of said Illinois and Michigan Canal, and to institute and prosecute such legal and proper proceedings as may be necessary in the case, to disaffirm the same and to protect the rights of the state.

Lease declared
"not valid."

Illinois and Michigan Canal—Tolls.

WHEREAS the rates of toll upon the Illinois and Michigan Canal have been such as to have a tendency to direct the traffic from the river and canal to the competing lines of railroad; and, whereas, the diversity of trade has caused the number of canal boats not engaged in carrying stone to be very greatly reduced, so that with the most favorable rates of toll, it will require some time to restore the canal tonnage to a carrying capacity adequate to the increased facility in water transportation secured by the improvement of the Illinois river from LaSalle to Peoria; and, whereas, the present rates of toll upon corn, wheat, oats, lumber, lath, shingles, are such as to leave a margin to boat owners too small to enable them to compete successfully with railroad lines of transportation; and, whereas, it is believed that a reduction of twenty-five or thirty per cent. from the rates charged upon the articles mentioned, and perhaps upon many others, would increase the revenues of the canal, encourage the building of boats and elevators, stimulate productive industry throughout the valley of the Illinois, and in some degree control the cost of transportation upon all railroads having their termini upon the Mississippi and Lake Michigan; and, whereas, the cost of superintendence, and repairs upon the canal and river improvements, would not be materially increased if the amount of transportation were doubled, tripled, or quadrupled, the net revenues to be derived from this important public work, depend mainly upon such increased business; therefore,

Resolved by the House of Representatives, the Senate concurring herein, That the canal commissioners be respectfully requested to reduce the rates of toll upon grain, lumber, lath, and shingles, to three-quarters or two-thirds of the present rates, and to make a corresponding reduction upon all other articles which, in their opinion, would increase the traffic without impairing the revenues of the canal: *Provided*, that no reduction of tolls shall be made to an amount equal to or below the actual expense of the canal to the state.

Tolls to be reduced.

Improvement of the Ohio River.

WHEREAS the convention for the improvement of the Ohio river, recently held at Cincinnati, passed the following resolution, viz:

“Resolved, That the governors of the states of Pennsylvania, West Virginia, Indiana, Ohio, Illinois, Kentucky, and

Preamble.

Tennessee, be requested to appoint, each, a committee of five members, who shall form a commission to look after the improvement of the Ohio river, and its navigable tributaries, and adopt whatever means they may deem necessary to accomplish the object"—a copy of which resolution has been communicated to the governor of the state of Illinois; and whereas, the governor of the state of Indiana has already responded to said resolution, by the appointment of a committee of five gentlemen, residents of said state, in accordance with said resolution; therefore,

Be it resolved by the House of Representatives, the Senate concurring herein, That his excellency, Governor Palmer, be requested to appoint a committee of five suitable persons of the state of Illinois, to act in conjunction with the committee from other states, appointed for the purpose above mentioned.

Governor to
appoint com-
mittee.

Insuring State Property.

Resolved by the House of Representatives, the Senate concurring herein, That all boards of trustees of charitable institutions of this state, and all other persons having custody of buildings or personal property belonging to the state, be and they are hereby instructed not to insure the property of the state against loss by fire.

Boards of trus-
tees and others
to insure.

Resolved, That the secretary of state be instructed to forward a copy of this resolution to all parties concerned.

Irvington College.

Resolved by the House of Representatives, the Senate concurring herein, That the governor be authorized to direct the attorney general to take such legal measures as may be necessary, in order to dissolve the trust created by the act incorporating the Illinois Agricultural College, to place the property in the hands of a receiver, and to secure the rights of the state in the premises.

A. torney gen-
eral to take
measures to
dissolve trust.

Lands granted to the State by the United States.

WHEREAS, by an act of the congress of the United States, approved September 20th, A. D. 1850, entitled "An act granting the right of way and making a grant of land to the states of Illinois, Mississippi and Alabama, in aid of the construction of a railroad from Chicago to Mobile," certain lands were granted to the state of Illinois, for the purpose of aiding in building a railroad from a point at or near the mouth of the Ohio river to the city of Chicago, and to Dubuque in the state of Iowa, with a condition inserted in said act, that if said railroad shall not be completed within ten years, the said state of Illinois shall be bound to pay to the United States the amount which may be received upon the sale of any part of said lands by said state, and the title to the residue (not sold) of said lands shall re-invest in the United States; and whereas, it was further enacted, by section 7 of said act, that in order to aid in the construction of said Central Railroad from the mouth of the Ohio river to the city of Mobile, all the rights, privileges and liabilities hereinbefore conferred on the state of Illinois shall be granted to the states of Alabama and Mississippi respectively, for the purpose of aiding in the construction of a railroad from said city of Mobile to a point near the mouth of the Ohio river, and that public lands of the United States to the same extent, in proportion to the length of the road, on the same terms, limitations and restrictions in every respect, shall be and is hereby granted to said states of Alabama and Mississippi respectively; and whereas, although that portion of said Chicago and Mobile Railroad, within the state of Illinois, was completed within six years after the passage of said act, and has been since and is now maintained and operated, and a large part of said road between the Ohio river and Mobile has also been completed and is now operated, but a portion south of the Ohio river for twenty miles or more has never been constructed, and the road, therefore, from Chicago to Mobile has never been completed, and the purposes of said act of congress, therefore, never answered and its conditions never complied with; therefore be it

Resolved by the House of Representatives, the Senate concurring herein, That our representatives and senators in congress be requested to use their best exertions to have the aims and purposes of said act of congress carried out at the earliest possible period.

Aims to be carried out.

Resolved, That the thanks of this legislature are due and are hereby tendered to the Hon. John A. Logan, for the interest already manifested by him, in his public position, in regard to the subject of the foregoing preamble and resolution.

Thanks.

Secretary of state. *Resolved*, That copies of the above preamble and resolutions be forwarded by the secretary of state to our representatives and senators in congress.

Preamble,

Lands for Soldiers.

WHEREAS, a bill has been, or is about to be introduced into the congress of the United States, providing in substance that any honorably discharged soldier of the federal army during the late war, may settle upon and pre-empt one hundred and sixty acres of land anywhere in the public domain, and that the time said soldier served during said war shall be deducted from the five years required by law to perfect such settlement, and that any soldier who was discharged from said service on account of wounds received in actual battle, shall be entitled to deduct from said five years, required for perfecting such settlement and pre-emption, the whole period for which he enlisted in the service of the United States; and whereas said bill further provides that in case of the death of any such honorably discharged soldier, as aforesaid, his wife, children, father or mother, in the order named, shall be entitled to the benefits of said bill; therefore.

Resolved by the Senate, the House of Representatives concurring, that said proposed legislation meets our hearty approval; and our senators in congress are instructed and our representatives are requested to give to said bill, or to any bill containing the same or similar provisions, their best support.

Members of congress requested to support measure.

Laws and Journals:

Resolved by the House of Representatives, the Senate concurring, That the secretary of state be instructed to furnish and forward to such members and elective officers of this general assembly, as soon as possible, one copy each of the journals of the house and senate, and one copy each of the laws and reports of this general assembly.

To be furnished to officers and members.

Little Wabash River Improvement.

Resolved by the House of Representatives, the Senate concurring, That the special committee appointed to inquire and report relative to the disposition of the funds appropriated for the improvement of the Illinois river, when raised, be required to make inquiry, and report relative to money appropriated for the improvement of the Little Wabash river.

Committee to inquire relative to money appropriated.

 Mileage and Stationery.

WHEREAS the mileage, and allowance in lieu of stationery, postage, etc., provided in the constitution, as well as in the act approved January 19, 1871, is due to each member of the general assembly for each session ; therefore, be it

Resolved by the Senate, the House concurring herein, That the members of the two houses elected to fill the vacancies which have occurred in the twenty-seventh general assembly, are each entitled to the usual mileage, and allowance of fifty dollars in lieu of stationery, postage, etc., for this session.

Mileage and postage.

 Modification of Tariff.

Resolved by the Senate, the House of Representatives concurring herein, That our senators in congress are instructed, and our representatives requested, to use all honorable means to procure such a modification of the tariff as to permit lumber to be imported free from duty.

Reduction of tariff on lumber,

 Office for Railroad Commissioners.

Resolved by the Senate, the House of Representatives concurring herein, That the secretary of state be and he is hereby instructed to fit up an office in the room lately occupied by the state auditor, for the use of the board of railroad and warehouse commissioners.

Secretary of state to fit up office.

Peoria—Invitation to Visit.

Preamble.

WHEREAS the city of Peoria has presented to this general assembly a proposition for the removal of the capitol to that place, and has tendered to us an invitation to visit that city, if said proposition is deemed worthy of attention ; therefore,

Accepting invitation.

Resolved by the House of Representatives, the Senate concurring, That said invitation be and the same is hereby accepted, and Friday next designated as the day when we will visit Peoria: *And, further,* that when the two houses of this general assembly adjourn on Thursday, March 23, 1871, they adjourn until their regular hour of meeting, respectively, on Monday, March 27, 1871.

Perry Springs.

Preamble.

WHEREAS, from official reports made to this legislature that there is a great scarcity of water at some of the state institutions located at Jacksonville, and that it will require large sums of money to be drawn from the state treasury to make such additions to the buildings as will make them comfortable to the inmates thereof, and to procure a sufficient supply of water for their health ; therefore, be it

Committee to confer with proprietors.

Resolved by the House of Representatives, the Senate concurring herein, That a committee of three on the part of the House, and of two on the part of the Senate, be appointed to confer with the proprietors of Perry Springs, located in Pike county, state of Illinois, and ascertain upon what terms said place can be obtained by the state for the use of inmates of one of the asylums at Jacksonville, and report the same to the legislature as soon as such information can be obtained.

Petrie, Joseph J.—Claim.

Preamble.

WHEREAS a memorial is now pending before congress, asking indemnity and remuneration for Joseph J. Petrie, of Crawford county, Illinois, for services rendered and expenses incurred by him in conducting two expeditions in the depth of winter in the years of 1849 and 1850, from the

Sacramento valley in the state of California, into the mountains on the waters of Deer creek, resulting in the deliverance of over seventy emigrants, men, women and children, who, but for his generous humanity, would have met a miserable death from privation and exposure; and, whereas, the legislature of California has addressed resolutions to congress, respectfully urging the claim of said memorialist in the premises; therefore,

Resolved by the House of Representatives, the Senate concurring herein, That our senators in congress be instructed, and our representatives requested, to use all necessary and honorable efforts to secure an early and favorable consideration by congress of the memorial of the said Joseph J. Petrie, for the services rendered and expenses incurred by him as aforesaid, whereby men, women and children were rescued from a horrible death, and from privation and suffering of the most revolting character.

Members of congress requested to urge early appropriation.

Resolved, That the governor be requested to forward each of our senators and representatives in congress a copy of these resolutions.

Public Binder.

WHEREAS, on the 22d day of February, A. D. 1871, the establishment of the public binder, H. W. Rokker, was destroyed by fire, and therewith work performed by him as public binder, under his contract with the state, to a considerable amount, was wholly destroyed by the fire, for which said Rokker claims that he has received no pay from the state; now, therefore,

Preamble.

Resolved by the House of Representatives, the Senate concurring herein, That the secretary of state, auditor and treasurer, in their settlement with said Rokker, as state binder, under his contract with the state, be and they are hereby authorized to allow said Rokker in such settlement for all work done by him as such binder for the state, destroyed by fire, and for which he has received no pay, taking as a basis for such allowance the contract price for such work.

Work destroyed to be paid for.

Publication of Laws.

Preamble.

WHEREAS, the enactments of the twenty-seventh general assembly have made great changes in our statute laws, and it is desirable that the public officers throughout the state be made acquainted therewith at the earliest moment; therefore, be it

To be published for immediate distribution.

Resolved by the House of Representatives, the Senate concurring herein, That five hundred copies of the laws of the twenty-seventh general assembly be published in pamphlet form, with paper covers, for immediate distribution; and that the secretary of state be and is hereby directed to forward one copy of same to the clerks of each of the circuit and county courts in this state, and one copy to each member of this general assembly: *Provided*, the same can be done within forty days after the adjournment of this general assembly.

Relief of J. W. Golden.

Preamble.

WHEREAS, James P. Golden, deceased, late a citizen of the county of Adams and state of Illinois, was, in the fall of 1870, by means of the false and fraudulent pretensions of one Stephen M. Bellew, induced to accompany the said Bellew to the state of Texas, and was there, to-wit: in the county of Collin, in the state of Texas, on the 21st day of October, A. D. 1870, by the said Bellew most inhumanly and brutally murdered; and whereas, the said Bellew was afterwards in the state of Illinois suspected of the said crime of murder; and whereas, John W. Golden, the father of the said James P. Golden, at an expense of over five thousand dollars, caused the said Bellew to be arrested and returned to said Collin county, and there caused him, the said Bellew, to be indicted, and by a jury of said county convicted and condemned to death, for the murder of the said James P. Golden; therefore, be it

Governor to pay from contingent fund.

Resolved by the House of Representatives of the State of Illinois, the Senate concurring herein, That the governor of this state is hereby authorized and requested to pay to the said John W. Golden, out of the moneys in his hands as a contingent fund, all of such portion of the expense necessarily incurred by the said John W. Golden in the prosecution and conviction of said Stephen M. Bellew, as in the judgment of the governor, after a careful investigation, shall seem right and proper: *Provided*, the amount so paid shall not exceed the sum of three thousand dollars.

Road Law.

Resolved by the Senate, the House of Representatives concurring herein, That the secretary of state is hereby authorized and directed to cause to be printed ten thousand copies of the road law, passed by this general assembly, for the use of the commissioners of highways, and that he distribute the same among the county clerks of the state, in proportion to the number of congressional townships in such counties.

10,000 copies to be printed.

School Law.

Resolved by the Senate, the House of Representatives concurring herein, That the superintendent of public instruction is hereby authorized to cause twenty thousand copies of the school law, with explanatory notes and index, to be printed for the use of the school officers, and that the secretary of state, under his direction, shall distribute the same.

20,000 copies to be printed.

Ship Canal at Niagara.

WHEREAS the prosperity of the state of Illinois is to be measured by the value of its products at the sea board; and whereas, if the cost of transport of the cereals to tide water should be reduced ten cents per bushel, our products would command the markets of all western Europe; and whereas a movement has been recently inaugurated by the national board of trade at St. Louis, seconded by a commercial convention at Detroit, with a view of urging upon congress the necessity of the construction of a ship canal at Niagara, N. Y., connecting Lake Erie with Lake Ontario; therefore,

Preamble.

Resolved by the Senate, the House concurring herein, That in the judgment of this general assembly, the question of cheap transportation is the question of first importance to all producers.

Cheap transportation.

Resolved, That our members of congress are hereby earnestly requested to favor such appropriations for the construction of said canal as shall secure its immediate commencement and early completion.

Members of congress requested to favor.

Copies to be
forwarded.

Resolved, That the secretary of state is hereby requested to transmit a copy of the foregoing resolution to the president of the United States, president of the senate, speaker of the house of representatives, and to each member of congress from the state of Illinois.

Soldiers' Orphans' Home.

Preamble.

WHEREAS it is the opinion of practical architects and builders that one of the partition walls in the building of the Soldiers' Orphans' Home is in a dangerous condition, and liable to fall down, and thereby endanger the lives of the inmates; therefore, be it

Committee to
examine wall.

Resolved by the House of Representatives, the Senate concurring herein, That a committee, consisting of three members of the house committee on public buildings and grounds, and two members of the same committee of the senate, be and they are hereby requested to visit the Soldiers' Orphans' Home, at Normal, at their earliest convenience, and carefully examine said wall, and report the condition thereof to the general assembly as soon as practicable, and make such recommendations as, in their judgment, the nature of the case requires.

Statutes for United States Court.

Secretary of
state to furnish.

Resolved by the House of Representatives, the Senate concurring herein, That the secretary of state be and he is hereby instructed to furnish the judges of the United States district and circuit courts for the northern district of this state, each with a copy of the statutes of the state, and copies of such other books as have been furnished the judges of the state courts in Cook county, by direction of the present general assembly: *Provided*, that such books are on hand and not necessary for the use of his office.

Stilgebower, John—Heirs.

Resolved by the House of Representatives, the Senate concurring herein, That the children of the said John Stilgebower be and [they are hereby] admitted into the Soldiers' Home of the state of Illinois. Children admitted to soldiers' home.

Swamp Lands.

WHEREAS, under the several acts of congress granting to the states the swamp and overflowed lands within their respective limits, a large quantity of such lands was set apart to this state; and whereas, subsequently the United States sold and patented sundry tracts of such lands, to various persons; and whereas, by act of congress, the secretary of the interior was directed to issue to the several states, in restitution of the funds realized by the United States from sales thus made, land warrants or scrip which might be located upon any unentered government lands; and whereas, the secretary of the interior has decided that he is not authorized by said last mentioned act of congress to issue said scrip in less parcels than the whole number of acres in any given county; and whereas, by reason of the construction of said act by the secretary of the interior, said scrip is rendered useless; therefore, be it Preamble.

Resolved by the House of Representatives, the Senate concurring herein, That our senators in congress be instructed and our representatives requested to procure such a modification of said acts of congress as will permit and direct the secretary of the interior to issue said scrip in parcels of forty, eighty, and one hundred and sixty acres each, so that the same may be available to the several counties of the several states. Modification of acts.

Resolved, That a copy of the foregoing preamble and resolution be transmitted, without delay, to each of our senators and representatives in congress.

Tornado at East St. Louis.

WHEREAS one of those great calamities, which no human power is able to foresee or avert, has visited a portion of our state, thereby causing much suffering in the loss of life and the destruction of property, rendering many families Preamble.

houseless and homeless ; and whereas, this general assembly is the immediate representative of a generous and charitable people ; therefore,

Resolved by the House of Representatives, the Senate con-
curing, That we offer our sympathy and condolence to the citizens of the city of East St. Louis in the severe losses they have sustained by the visitation of the recent tornado, and recognize it to be the duty of all citizens to offer such sympathy as shall be tangible tokens of relief.

Resolved, That the secretary of state is hereby instructed to forward a copy of these resolutions to the mayor of the city of East St. Louis.

United States Court.

Preamble.

WHEREAS a bill, providing for an additional district of the United States court in this state, is now pending in congress ; and whereas, the passage of the bill is imperatively needed to meet the increasing litigation in the state ; therefore, be it

Resolved by the House of Representatives, the Senate con-
curing, That our senators and representatives in congress are again requested to use their best efforts in securing the passage of the bill.

United States Circuit Court, Cairo.

Resolved by the House of Representatives, the Senate con-
curing herein, That our senators in congress be instructed and our representatives requested to procure the passage of a law, by congress, establishing a term of the United States circuit court at Cairo, in this state.

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APPENDIX TO PUBLIC LAWS.

FINANCIAL REPORT OF THE AUDITOR OF PUBLIC ACCOUNTS.

AUDITOR'S OFFICE, ILLINOIS,
Springfield, December 12, 1870.

JOHN M. PALMER, *Governor of Illinois* :

SIR:—I have the honor to submit the following report, for the fiscal year commencing December 1, 1869, and ending November 30, 1870.

You will find the following items embraced in the report, viz :

1. Statement of Receipts and Disbursements of General Revenue Fund.
2. Statement of Receipts and Disbursements of Special State Funds.
3. Statement of Receipts and Disbursements of Local Funds for payment of principal and interest on Bonded Indebtedness of Counties, Townships, Cities and Towns.
4. General Statement of Warrants drawn on the Treasury for all purposes.
5. Detailed Statement of Warrants drawn on the Treasury for all purposes, and to what account and appropriation charged.
6. Statement of the amount of Auditor's Warrants outstanding unpaid, December 1, 1870.
7. Statement of the School, College and Seminary Funds.
8. Statement of State Indebtedness redeemed with Illinois Central Railroad Funds.
9. Statement of State Indebtedness redeemed and purchased with State Debt Fund.
10. Statement of the Accounts of the State Treasurer with the several State Funds, and the County, Township, City and Town Interest (bond) Funds.
11. Statement of State Taxes charged in the several Counties, amounts collected, etc., for the year 1869.
12. Statement of the State School Tax Fund, for the year 1869.
13. Statement of the Dividends of School Tax and Interest Funds to the several Counties, for the year 1869.
14. Statement of the condition of State Banks.
15. Statement of County, Township, City and Town Bonds, registered in the Auditor's Office.
16. Statement of the aggregate assessment of property in the State, for the year 1870.

17. Statement, showing the rate per cent. of addition and deduction determined by the State Board of Equalization, on the assessment of the several Counties, for the year 1870.
18. Statement, showing the assessed and equalized valuations of the several classes of property for State taxation, for the year 1870.

TAXES LEVIED.

The appropriations made by the 26th General Assembly, as set forth in my last Annual Report, made it necessary to levy for the purpose of meeting the ordinary expenses of the State Government for 1870, and to provide for the payment of the very large deficiency caused by the appropriations aforesaid, a tax of eight mills for revenue purposes, and one mill for interest on the State debt—which, added to the two mills for payment of principal of the State debt, and the two mills for support of public schools, made a levy for State tax of thirteen mills, on the assessment of 1869.

I am glad to be able to say that the estimates made at that time are proved to have been correct, and that the treasury of the State has been for some time in a condition to pay all warrants when presented. With a few exceptions, the county collectors have been more prompt than they were last year, in paying over the tax when collected. But some little legislation will be required—and will be proposed—to enable the Auditor to enforce, when necessary, a faithful compliance, on the part of county officers, with the revenue law.

On the basis of the equalized valuation of property for the year 1870, I have levied a tax for State purposes, as follows: Two and one-half mills for revenue, which, in connection with the two mills for payment of State debt, and two mills for the support of public schools, makes the total levy for State tax on the assessment of 1870, amount to six and one-half mills; being just one-half of the levy of last year. It is proper to state, that but for the extraordinary expense occasioned by the session of the recent Constitutional Convention to frame the present Constitution, and the increased expense of the judiciary and other departments of State government, in consequence of the adoption of the new constitution, the levy might have been made still smaller. When it is remembered that the assessment of property in this State does not, in my opinion, exceed one-quarter of its actual value, it will be conceded that the tax for State purposes is not burdensome, as compared with the taxes of other States.

In making the levy aforesaid, I have only endeavored to provide a sum sufficient “to meet the current expenses for the coming year, and all known demands upon the treasury payable from revenue funds.” In making this levy, I have estimated the expenses from June 1, 1871, to June 1, 1872, when the tax on the assessment of 1871 becomes due to the State Treasury. Section 18 of Article III of the Constitution, requires that the “General Assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the Government, until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to

each house, nor exceed the amount of revenue authorized by law to be raised in such time; and all appropriations, general or special, requiring money to be paid out of the State treasury, from the funds belonging to the State, shall end with such fiscal quarter." It is believed that the Revenue Fund now in the State treasury will just about suffice to meet the expenses of the government, until the tax of the next year, on assessment of 1870, becomes due and begins to be received; and by adopting the practice of estimating the annual expenses from June 1st to June 1st, instead of, as heretofore, from December to December, it is hoped that the treasury may always be in a condition to pay the ordinary and authorized expenses of the government, instead of having a time of about three months in every two years when warrants, drawn in pursuance of law, can be found floating in the market with more or less depreciation of value.

BALANCE DUE ON APPROPRIATIONS AND EXPENSES OF GOVERNMENT TO MAY
31, 1871.

There was due on the first of this month, to the appropriation of 1869, for building the New State House, the sum of \$306,935 57, and to the appropriation of 1869, for Canal and River Improvement, the sum of \$227,696 42. The pay of members and officers, and expenses, of the 27th General Assembly, will not be less than \$350,000. The expenses of all the State Institutions, from the 1st of December to the end of the first fiscal quarter, after the adjournment of the General Assembly, (say May 31, 1871,) will not be less than \$300,000. The salaries of Judges and Attorneys, and other expenses of the Judicial Department of the State government, will probably, for the time last named, exceed \$110,000. For the same time, the salaries and expenses of the Executive Department, Printing, Binding and incidental expenses of the State government, both ordinary and extraordinary, under appropriations now in force, including warrants outstanding December 1, 1870, will not be less than \$160,000.

The foregoing amounts make, in the aggregate, the sum of \$1,454,631 99, being almost the amount of the Revenue Fund in the treasury on the 1st December, 1870.

Thus it will be seen that the amount of revenue now in the treasury ought not to be considered by the General Assembly, in making appropriations for the future, as its exhaustion is already provided for by the last General Assembly; and to base any further appropriation upon it, would simply create a deficit, to be hereafter provided for by an increase of tax.

REVENUE LAW.

It has long been felt by every intelligent revenue officer, State or county, that something should be done with reference to the revenue law. The State Board of Equalization, at its session in 1869, passed a resolution to the effect that the revenue laws ought to be codified and amended in some particulars, and appointing the Chairman and Secretary of that Board, a committee "to perform this labor, and to report the result to the next meeting of the Board."

Mr. Stadden and myself undertook this labor, all the more willingly, because we were ourselves convinced that the interests of the people and the government of the State demanded it. In order to ascertain the opinions of those who might be considered "experts" on this subject, we printed the earliest result of our labor in the form of a bill for a revenue law, and sent copies all over the State to such capable persons as we knew to be interested in the subject, and worthy of consultation. Of course many were omitted, whose advice we should have been glad to have, but from those to whom the first draft of the proposed law was sent, we received many valuable criticisms and suggestions.

When the Board of Equalization met on the fourth of October last, the report, with all the hints, criticisms and suggestions which had been received, was submitted to the Board, and a committee composed of gentlemen from every section of the State, was appointed to consider the report.

The result is a draft of a proposed "Act for the assessment of property, and for the levy and collection of taxes," which will be laid before the General Assembly at its approaching session. On some small details of that proposed revenue law, there may be differences of opinion, but I feel free to say that should the General Assembly make it the law of the State, without material alteration, it would be a very great improvement upon the present law, and an incalculable gain to the people of the State.

I desire here to acknowledge most heartily my obligations to Mr. William Stadden, for the able and careful assistance which he has given to the preparation of this proposed law, which I have no doubt is far better than it would have been but for his long and intimate acquaintance with the revenue system of the State.

APPROPRIATIONS FOR THE ERECTION OF STATE BUILDINGS.

I would respectfully suggest to you the importance of having some check upon the expenditure of appropriations for the erection of buildings for State purposes, and for similar objects. I feel assured that the Governor, Secretary of State, Auditor and Treasurer, elected as they are to responsible and honorable positions by the people of the whole State, are not likely to agree upon any expenditure of money which is not fully warranted by law; and I would submit that it is scarcely prudent or proper to invest any but the constitutional officers of the State, with the power of *ordering* the drawing of warrants and payment of the same, without the approbation or concurrence of those intrusted by the people, with such responsibility.

While it is no doubt often desirable, and even necessary, upon grounds of economy, to intrust considerable sums of money to the officers of established State institutions, which require large expenditures, there is as little doubt that there should be some check upon the enthusiasm and zeal of those who may be selected to establish new Institutions.

STATE BONDED DEBT.

The State has paid, on account of the principal of the bonded debt, during the fiscal year, ending November 30, 1870, as follows :

With State Debt Fund.....	\$75,925 00
With Illinois Central Railroad Fund.....	1,000 00
	<hr/> \$76,925 00

The Trustees of the Illinois and Michigan Canal paid an installment on the principal of the registered Canal bonds, in Dec. 1869, amounting to.....157,133 34

Making total amount paid on principal of State Bonds, during the fiscal year.....\$234,058 34

The following is an accurate statement of the bonded debt of the State, as it existed at the close of the fiscal year, ending Nov. 30, 1870 :

New Internal Improvement Stock payable after 1870..	\$1,606,015 60
New Internal Improvement Interest bonds, payable after 1877.....	980,696 83
2 Internal Improvement Coupon bonds, payable after 1870.....	2,000 00
279 Bonds, Refunded Stock, payable after 1870.....	279,000 00
288 " " " " " 1877.....	288,000 00
60 " " " " " 1876.....	60,000 00
45 Normal University bonds " " 1879.....	45,000 00
102 Thornton Loan bonds " " 1879.....	102,000 00
222 \$1000 War bonds " " 1879.....	222,000 00
255 \$500 War bonds " " 1879.....	127,500 00
673 \$100 War bonds " " 1879.....	67,300 00
19 \$1000 Canal bonds, payable in New York in 1870..	19,000 00
24 \$1000 Canal bonds, payable in New York, registered, in 1870, bal.....	4,800 00
25 £225 Canal bonds, payable in New York, in 1870...	25,000 00
20 £225 Canal bonds, payable in New York, registered, in 1870, bal.....	4,000 00
697 £225 Canal bonds, payable in London, in 1870....	697,000 00
518 £225 Canal bonds, payable in London, registered, in 1870, bal.....	103,600 00
43 £300 Canal bonds, payable in London, in 1870.....	57,333 33
549 £300 Canal bonds, payable in London, registered, in 1870, bal.....	146,400 00
29 £100 Canal bonds, payable in London, in 1870.....	12,888 88
408 £100 Canal bonds, payable in London, registered, in 1870, bal.....	26,266 66
State bonds called in by Governor's proclamation, not yet surrendered.....	15,136 00

Total State Debt, outstanding Nov. 30, 1870.....\$4,890,937 30

To condense the foregoing figures, it shows that the bonded debt falls due as follows :

Bonds due in 1870.....	\$1,096,288 87	
“ after 1870.....	1,887,015 60	
	<hr/>	\$2,983,304 47
“ “ 1876.....	\$60,000 00	
“ “ 1877.....	1,268,696 83	
“ “ 1879.....	563,800 00	
	<hr/>	1,892,496 83
Bonds called in by Governor's proclamation, not yet presented		15,136 00
		<hr/>
Total.....		\$4,890,937 30

To meet the \$2,983,304 47 in bonds falling due in and after 1870, there are funds in the State Treasury, applicable to the payment of said bonds, as follows:

State Debt Fund in treasury Dec. 1, 1870.....	\$1,816,346 40
Illinois Central Railroad Fund in treasury Dec. 1, 1870.	765,757 82
	<hr/>
	\$2,582,104 22

Estimated amount of installment on gross receipts of Illinois Central Railroad for six months ending Oct. 31, 1870, now due.....\$260,000 00

Estimated amount of State Debt Fund due on collectors' accounts, on assessment 1869, probable to be paid into State treasury during this month.....	180,000 00
	<hr/>
	440,000 00

Total amount of funds in the State Treasury, and estimated to be in the State Treasury, Jan. 1, 1871, applicable to payment of State debt.....	\$3,022,104 22
--	----------------

The payment of the bonds now due, and to fall due after the close of the present year, will leave the bonded debt of the State outstanding, but not falling due until 1876, 1877 and 1879, \$1,892,496 83. To meet this amount, I estimate that the two mill levy for payment of principal of State debt, on the assessment of 1870, being the last levy of said tax as provided in the present constitution, will produce the sum of \$875,000 00. I further estimate that five semi-annual installments of the seven per cent. on the gross receipts of the Illinois Central railroad, commencing with the installment due April 30, 1871, and ending with the installment due April 30, 1873, at the rate of \$460,000 per annum, will produce the sum of \$1,150,000 00, which with the two mill tax before estimated, will make \$2,025,000, being a surplus of over \$132,000.

I have thus shown, that in 1873 the state will have in the treasury an ample amount to pay the entire outstanding bonded debt. To those who can remember the condition of the State of Illinois in 1847—her treasury empty; her Governor borrowing money

on his own credit to pay the postage on the letters written on the business of the State, her bankruptcy known and sneered at all over the world; even her honesty of purpose doubted, and some of her own sons trying to bring her to the infamy of repudiation—the simple statement of these facts and figures requires no comment to make them impressive. Who cannot see that, at least in the case of States and Nations, “Honesty is the best policy?”

I have made no estimate for premium on coin, being satisfied that the payment on the principal of the registered canal bonds, during the present month, by the Canal Trustees, will reduce the amount of debt now due to such an amount, as, with funds applicable to the payment of the State debt, certain to be received at the treasury before the bonds can be reached, will leave the treasury with an ample amount of State debt fund to purchase coin for the payment of the \$2,983,304 47, less the amount paid by the Canal Trustees this month.

ILLINOIS AND MICHIGAN CANAL.

By reference to the figures accompanying my remarks in regard to the State Debt, it will be seen that on the 30th November, 1870, there remained unpaid \$811,222 21 unregistered, and \$285,066 66 registered Canal Bonds, making a total of \$1,096,288 87, all of which fell due on the first of July, 1870. The only reason why this debt was not paid at that time was the want of authority for the purchase of coin, and the refusal of the bondholders to receive payment in anything else.

It is to be hoped that the General Assembly will take immediate action on this subject, and save to the State the interest on these bonds. With the money lying idle in the treasury there can be no economical motive for delay. The same remark will apply equally to the \$1,887,015 60 which will fall due at the pleasure of the State after 1870.

With the payment of the \$285,066 66 of registered Canal Bonds the Trust closes, the Canal and its revenues revert to the State, and no part of the property of Illinois will remain in pawn for the payment of her indebtedness and subject to the management of those who are not citizens of the State.

As an additional reason, if any were required, for the promptest action of the Legislature upon this subject, it may be recollected that an act approved Feb. 16, 1865, authorized the City of Chicago to “deepen the Summit division” of the Canal, and provided that any amount expended on said work “shall be a vested lien upon the Illinois and Michigan Canal, and its revenues, after the payment of the present Canal debt; and that the net revenues of the Canal shall thereafter be applied to the payment of the principal and interest of the same,” “not to exceed two and a half millions of dollars.”

Justice to the city of Chicago—now that the Legislature has mortgaged the Canal and its revenue to her—requires that she shall have the benefits promised at as any early a day as possible, and the time be thereby hastened when the State may not only manage its own property, but when its revenues will reach its own treasury.

STATE BANKS.

During the past fiscal year, the time fixed for redemption, by the Auditor, of notes of banks in liquidation has expired as to the following

named banks, viz: Bank of Kewana and Producers' Bank. For further information concerning State banks, see Statement No. 15.

ACT OF APRIL 16, 1869, PROVIDING FOR THE PAYMENT OF THE RAILROAD DEBTS OF COUNTIES, TOWNSHIPS, CITIES AND TOWNS.

Under the influence of the law passed by the last General Assembly, styled "An Act to fund and provide for paying the Railroad Debts of Counties, Townships, Cities and Towns," two thousand miles of railroads have been built in this State since the adjournment of the last General Assembly, and are now in actual operation. In another place will be found a table showing the amount of the debt registered under that law. There is no doubt that the effect of the law has been very great in two ways:

First—It has encouraged the people to vote liberal subscriptions in aid of the construction of railroads under the impression that under the first section of the law each municipality creating a debt for building a railroad, would, on the completion of such road, receive back the State tax on the road itself, and the tax on any increased valuation of the property of said municipality over the assessment for State taxes in 1868.

Second—In consequence of the provisions in the said law for registering the bonds and collecting the tax required to meet the interest, and eventually, to pay the principal of bonds issued according to the provisions of the law, the bonds, when registered, have been readily sold at good prices, thus effecting the object for which the act was framed.

With regard to this second effect of the law, I suppose there can be no objection or regret. But the difficulties and embarrassments growing out of this return to the counties, townships, cities and towns, of the tax on the increase of assessment over that of 1868, are many and great, and it seems to be my duty to allude to some of them.

A practical difficulty, certain to occur whenever an assesment of property shall be honestly made according to law, may be stated thus: A railroad has been built running through a county, and a city and a township—all in the same county—and has received from each of these municipalities a subscription of bonds, say \$190,000, and the bonds have been registered. It turns out that the city grows in population and wealth, so that the tax on the increased valuation of its property would amount to \$10,000. The township (which may, and often does, include the city,) would in the same way show an increase, the tax on which would amount to \$6,000; and the county, including the city and township, may have an increase of \$4,000. In this case is there a possibility of carrying into effect the provision of the law?

The General Assembly cannot have intended to give away the same money twice. And if the city should get what the law seems to give it, there would not be a dollar left for either township or county. On the other hand, if the county and the township are paid what the law seems to give them, there would be nothing left for the city. If either of the three is entitled to anything, it is entitled to just what the law gives it. It cannot have been the intention of the General Assembly to promise more than it had to give, and then make composition with its creditors by paying so much on the dollar of what it promised. Nor would it seem a very dignified proceeding for an executive officer of

the State to adopt the principle of "first come, first served" with the municipal claimants, and paying demands until the money is exhausted, let those who come last get nothing.

This is only a glance at one of the practical difficulties, of which there are several, which meet the Auditor in attempting to discharge his duties under the act.

Besides, I would submit that the constitution has that in it which seems to greatly interfere with the provision in regard to paying back to the counties, cities, townships and towns this tax on increased valuations of property. Without going into any argument I would refer to Art. IV, Sec. 17, which provides that "No money shall be drawn from the treasury except in pursuance of an appropriation made by law." And to sec. 18 of the same article, which provides that "all appropriations, general or special, requiring money to be paid out of the State treasury from funds belonging to the State, shall end" "with the first fiscal quarter after the adjournment of the next regular session of the General Assembly." These clauses, and their context, would seem, on their face, to be absolutely binding on the Auditor, even if Sec. 6 of Art. IX should be considered to have no reference to any law enacted before the adoption of the present constitution.

Under these circumstances, it is proper to say, that unless there shall be some action of the General Assembly, or some decision of the courts, that will make my duty in this regard more clear than it now is, I shall bear no part in returning to any municipality any part of the tax collected from a valuation greater than that on the assessment rolls of 1868. I scarcely think it necessary to say, but to prevent misconstruction I will say, that I have come to this determination from no desire to construe the law so as to defeat any of its purposes, but because, under all the difficulties and uncertainties of the case, and the danger there unquestionably is of doing great wrong if I should do anything, it has seemed to be my duty to all the people to do nothing until some competent authority shall decide the difficulty. Indeed, as I understand it, the Supreme Court decided the validity and constitutionality of the law awarding a similar tax to the American Bottom Improvement Company, mainly on the ground that it was *an appropriation* of State revenue. If the taxes which in this "Railroad debt law" are proposed to be given to the different municipalities should be so returned to them, could it be justified on any other ground than that they were appropriated to such uses by the Legislature? And if so, does not that appropriation cease at the end of the first fiscal quarter after the adjournment of the next General Assembly? But it is no part of my intention to argue the question, and I content myself with having partially stated the difficulty, and the determination to which a wish to discharge my duty has brought me.

In regard to the part of the same law which levies and collects taxes, and pays the interest on the bonds issued in aid of railroads, I will only say that in consequence of its existence, registered municipal bonds of every kind are more valuable than they otherwise would be, and to disturb it in any manner would, in my opinion, be a serious disaster.

CHARLES E. LIPPINCOTT,
Auditor P. A.

No. 1.

STATEMENT of Receipts and Disbursements of the General Revenue Fund during the fiscal year commencing December 1, 1869, and ending November 30, 1870.

RECEIPTS.	Amount.
From Taxes of 1867	\$2,192 68
From Taxes of 1868	9,079 80
From Taxes of 1869	3,508,195 81
From redemption and sales of real estate purchased on execution.....	9,547 77
From judgment debtors	1,754 50
From sale of real estate in Jacksonville.....	5,700 00
From sale of property acquired from Joel A. Matteson.....	17,500 00
From Baring Bro's, London, England, on old State claim	12,986 65
From United States, reimbursement war expenses.....	52,397 69
From E. S. Salomon, County Clerk Cook court, fine in Supreme Court.....	1,000 00
Total Receipts for Revenue purposes	\$3,620,354 85

DISBURSEMENTS.

ORDINARY EXPENSES.

Legislative Department.....	\$1,538 68
Executive Department.....	32,150 48
Judicial Department	124,948 94
Expenses of State Charitable and Educational Institutions ...	293,500 00
Appropriations, General	3,911 31
Conveying Convicts to the Penitentiary	26,447 60
Commissioners of Public Charities.....	5,338 65
Fugitives from Justice.....	4,306 42
Field Notes and Surveys.....	711 92
Incidental expenses of Secretary of State.....	20,634 00
Printing, Binding, and Publishing Notices	46,439 27
Porters in State House	5,367 50
Repairs to State House	289 75
State Board of Equalization	8,691 75
State Library.....	6,767 85
Total Ordinary Expenses.....	\$571,044 07

EXTRAORDINARY EXPENSES.

Building State Institutions.....	\$288,041 68
Canal and River Improvement... ..	146,846 58
Contingent Fund of Governor.....	7,038 70
County Agricultural Societies	9,400 00
Chicago Charitable Eye and Ear Infirmary.....	5,000 00
Constitutional Convention.....	168,672 92
Geological Survey and Reports	11,711 95
Gross' Statutes	1,600 00
Illinois Penitentiary	90,000 00
Incidental Expenses of Secretary of State for Constitutional Convention	14,324 89
Illinois Soldiers' College.....	14,154 45
Lincoln Monument.....	50,000 00
Military State Agent	3,900 00
Money Refunded	8,767 64
New State House	267,434 34
State Agricultural and Horticultural Society	5,000 00
State Entomologist	828 76
Total Extraordinary Expenses	\$1,092,721 91

Statement—Continued.

DISBURSEMENTS—CONTINUED.		
Total Warrants drawn on Revenue Fund during year ending Nov. 30, 1870.....	.....	\$1,663,765 98
<i>Outstanding Warrants Paid :</i>		
Amount Revenue Warrants outstanding Dec. 1, 1869	\$508,041 62	
Deduct " " " Dec. 1, 1870	4,747 97	
Amount outstanding Warrants paid during fiscal year.....		503,293 65
Total amount Revenue Fund disbursed by the State Treasury during the fiscal year ending Nov. 30, 1870 .....	.....	\$2,167,059 63
Amount of General Revenue Fund received over amount disbursed during fiscal year.....	.....	\$1,453,295 22

No. 2.

STATEMENT of Receipts and Disbursements of Special State Funds during the fiscal year commencing December 1, 1869, and ending November 30, 1870.

STATE DEBT FUND.		Amount.
RECEIPTS.		
From Taxes of 1866		\$55 08
From Taxes of 1868		38,750 90
From Taxes of 1869		743,067 11
Total State Debt Fund received during fiscal year		\$781,873 09
DISBURSEMENTS.		
Amount paid for State Bonded Indebtedness	\$77,501 92	
“ refunded to Collectors on over-payment of accounts	2,178 44	
Total State Debt Fund disbursed during fiscal year ..		79,680 36
Amount State Debt Fund received over amount disbursed during fiscal year..		\$702,192 73
INTEREST FUND.		
RECEIPTS.		
From Taxes of 1868		\$18,408 32
From Taxes of 1869		394,365 69
Total Interest Fund received during fiscal year		\$412,772 02
* DISBURSEMENTS.		
Amount paid Interest on State Debt.....	\$297,530 12	
Amount paid expenses, including premium on gold, in paying interest on State debt.....	11,934 29	
Amount paid Institution for Education Deaf and Dumb	2,913 51	
Amount paid Normal University, Bloomington	12,445 99	
Amount refunded to Collectors on over-payment of accounts..	1,863 49	
Total Interest Fund disbursed during the fiscal year		326,687 40
Amount of Interest Fund received over amount disbursed during fiscal year..		\$86,084 62
<p>* \$54,564 93 of this fund was distributed to the several counties Jan. 1, 1870, being annual interest on the amount the State is indebted to the School, College and Seminary funds—the same being paid by Collectors direct to County Superintendents of Schools, on the certificate of the Auditor. The amount of such certificates being credited direct to the Collectors' accounts, the amount thereof does not go into the State Treasury ; therefore this account does not include said amount.</p>		
STATE SCHOOL FUND.		
RECEIPTS.		
From Tax of 1868.....		\$607 69
From Tax of 1869.....		151,935 09
Total State School Fund received during fiscal year.....		\$152,542 78

*Statement—Continued.****DISBURSEMENTS.**

Amount paid salary and clerk hire, Superintendent of Public Instruction.....	\$6,500 00	
Amount paid office expenses, Superintendent Public Instruction.....	628 50	
Amount refunded to Collectors on over payment of accounts..	163,330 51	
Warrants outstanding Dec. 1, 1869.....	\$173 90	
Warrants outstanding Dec. 1, 1870.....	169 12	
Amount outstanding warrants paid during fiscal year.....	4 78	
Amount School Fund disbursed during fiscal year.....		\$170,463 29
Amount School Fund disbursed over amount received during fiscal year		\$17,920 51

*\$900,000 of this fund was distributed to the several counties in the State on the 1st of January, 1870, the same being paid by the County Collectors to the County Superintendents of Schools on the certificate of the Auditor. The amount of such certificates being credited direct to the Collectors' accounts, the amount thereof does not go into the State Treasury; therefore this account does not include said amount.

ILLINOIS CENTRAL RAILROAD FUND.**RECEIPTS.**

From seven per cent. on gross earnings for six months ending Oct. 31, 1869	\$254,939 56
From seven per cent. on gross earnings for six months ending April 30, 1870	214,819 56
Total Illinois Central Railroad fund received during the fiscal year.....	\$469,809 12

***DISBURSEMENTS.**

Amount paid for State bonded indebtedness.....	\$1,000 66
Amount Illinois Central Railroad fund received over amount disbursed during fiscal year.....	\$468,808 46

No. 3.

STATEMENT of Receipts and Disbursements during the fiscal year commencing Dec. 1, 1869, and ending Nov. 30, 1870, of Local Funds for payment of principal and interest of Bonded Indebtedness of Counties, Townships, Cities and Towns, registered in the Auditor's office.

Name of Fund.	Receipts.	Disbursements.	Amount rec'd over amount disbursed.	Am't disbursed over am't received.
Brown County Bond Fund.....	\$12,451 50	\$10,653 36	\$1,798 14	.....
Clay " "	1,800 00	1,797 85	2 15	.....
Hancock " "	9,709 97	10,526 37	.....	\$816 40
Henderson " "	6,574 61	6,642 40	.....	67 79
Jefferson " "	8,000 00	.....	8,000 00	.....
Mason " "	12,197 29	2,183 15	10,014 14	.....
Mercer " "	2,748 42	2,732 06	16 36	.....
Pike " "	17,231 53	13,599 37	3,632 16	.....
Sangamon " "	1,577 50	1,577 50	.....	.....
Schuyler " "	7,848 92	8,218 60	.....	369 68
Wayne " "	11,305 22	3,487 05	7,818 17	.....
Brimfield township "	4,842 55	4,600 00	242 55	.....
Danville " "	8,207 24	.....	8,207 24	.....
Dayton " "	1,692 28	1,214 85	477 43	.....
Elmwood " "	6,452 24	6,200 00	252 24	.....
Evans " "	4,254 77	4,042 57	212 20	.....
Osage " "	2,666 95	2,022 39	644 56	.....
Ottawa " "	16,061 47	14,959 23	1,102 24	.....
S'th Ottawa " "	3,182 21	2,930 60	251 61	.....
Quincy City "	52,166 54	50,121 82	2,044 72	.....
Warsaw City "	2,902 76	1,878 02	1,024 74	.....
Buda, inc. town "	1,500 00	1,500 09	.....	.....
Winchester, inc.t'n "	3,000 00	.....	3,000 00	.....
Totals.....	\$198,373 97	\$150,887 19	\$48,740 65	\$1,253 87

No. 4.

GENERAL STATEMENT of Warrants drawn on the State Treasury during the fiscal year, commencing December 1, 1869, and ending November 30, 1870.

TO WHAT ACCOUNT CHARGED.

Amount.

REVENUE FUND.

Appropriations, Special.....	\$56,600 00
Appropriations, General.....	8,911 31
Canal and River Improvement.....	146,846 58
Commissioners' Public Charities.....	5,338 65
Conveying Convicts to the Penitentiary.....	26,447 60
Contingent Fund.....	7,038 70
County Agricultural Societies.....	9,400 00
Constitutional Convention.....	168,672 92
Executive Mansion.....	8,775 05
Experimental School for Idiots.....	20,000 00
Field Notes and Surveys.....	711 92
Fugitives from Justice.....	4,206 42
Fund Commissioner's Clerk.....	1,000 00
General Assembly.....	1,538 68
Geological Survey.....	6,898 70
Geological Reports.....	4,813 25
Incidental Expenses.....	34,958 89
Insane Hospital, Jacksonville.....	100,750 00
Insane Hospital, Northern.....	110,000 00
Insane Hospital, Southern.....	40,000 00
Institution for the Blind.....	25,000 00
Institution for the Deaf and Dumb.....	58,250 00
Illinois Penitentiary.....	90,000 00
Illinois Soldiers' College.....	14,154 45
Illinois Industrial University.....	22,500 00
Judgments, Clerks' and Sheriffs' Fees.....	379 00
Money refunded.....	8,767 64
Military State Agent.....	3,900 00
Normal University, Bloomington.....	11,500 00
Normal University, Southern.....	70,119 07
Office of the Governor.....	923 37
Office of the Secretary of State.....	1,541 01
Office of the Auditor.....	2,551 40
Office of the Treasurer.....	1,514 20
Office of the Adjutant General.....	2,594 87
Public Printing.....	33,188 64
Public Binding.....	12,163 35
Publishing Notices.....	1,087 28
Porters in State House.....	5,367 50
Repairs to State House.....	289 75
Reports of Supreme Court.....	17,028 00
Revision of Statutes.....	142 00
Soldiers' Orphans' Home.....	45,500 00
State's Attorneys' fees.....	275 00
State Board of Equalization.....	8,691 75
State Library.....	6,767 85
Supreme Court—1st Division.....	2,357 01
“ “ 2d “.....	2,513 47
“ “ 3d “.....	4,552 13
State House, new.....	267,434 34
State Reform School.....	58,500 00
Salaries—Governor, (salary and clerk hire).....	3,923 60

Amount carried forward

\$1,546,485 35

Statement—Continued.

TO WHAT ACCOUNT CHARGED.	Amount.
<i>Amount brought forward</i>	\$1,546,485 35
REVENUE FUND—CONTINUED.	
Salaries—Secretary of State, (salary and clerk hire)	3,800 00
“ Auditor Public Accounts, (salary and clerk hire)	3,708 30
“ State Treasurer, (salary and clerk hire)	2,475 00
“ Attorney General	3,500 00
“ Adjutant General	1,500 00
“ State Entomologist	828 76
“ Judiciary, 1st District, Supreme Court	3,780 22
“ “ 4th “ “ “	3,446 88
“ “ 5th “ “ “	3,680 22
“ “ 6th “ “ “	927 53
“ “ 7th “ “ “	594 20
“ “ 1st Circuit	2,130 43
“ “ 2d “	2,130 43
“ “ 3d “	2,130 43
“ “ 4th “	1,840 00
“ “ 5th “	2,130 43
“ “ 6th “	2,130 43
“ “ 7th “	2,000 00
“ “ 8th “	2,046 16
“ “ 9th “	2,130 43
“ “ 10th “	1,934 78
“ “ 11th “	1,880 43
“ “ 12th “	2,534 78
“ “ 13th “	2,130 43
“ “ 14th “	1,932 06
“ “ 15th “	1,880 43
“ “ 16th “	2,130 43
“ “ 17th “	2,130 43
“ “ 18th “	2,883 08
“ “ 19th “	2,130 43
“ “ 20th “	2,130 43
“ “ 21st “	1,880 43
“ “ 22d “	2,880 43
“ “ 23d “	2,130 43
“ “ 24th “	2,130 43
“ “ 25th “	2,880 43
“ “ 26th “	2,505 43
“ “ 27th “	1,880 43
“ “ 28th “	2,130 43
“ “ 30th “	2,769 02
“ “ Superior Court of Chicago	3,250 00
“ “ Recorder's Court of Chicago	684 78
“ “ Recorder's Court of Peru	750 00
“ “ Court Common Pleas, Sparta	1,000 00
“ “ Court Common Pleas, Aurora and Elgin	1,000 00
“ “ Court Common Pleas, Amboy	1,130 43
“ “ Court Common Pleas, Mattoon	848 90
“ “ Alton City Court	1,000 00
“ “ State's Attorney, 1st Circuit	500 00
“ “ 2d “	250 00
“ “ 3d “	375 00
“ “ 4th “	500 00
“ “ 5th “	500 00
“ “ 6th “	500 00
<i>Amount carried forward</i>	\$1,650,619 48

Statement—Continued.

TO WHAT ACCOUNT CHARGED.		Amount.
<i>Amount brought forward</i>		\$1,650,619 48
REVENUE FUND—CONTINUED.		
Salaries—State's Attorney, 7th circuit.....		750 00
“ “ 8th “		511 00
“ “ 9th “		700 00
“ “ 10th “		575 00
“ “ 11th “		500 00
“ “ 12th “		500 00
“ “ 13th “		500 00
“ “ 14th “		500 00
“ “ 15th “		500 00
“ “ 16th “		500 00
“ “ 17th “		500 00
“ “ 18th “		500 00
“ “ 19th “		375 00
“ “ 20th “		500 00
“ “ 21st “		625 00
“ “ 22d “		375 00
“ “ 23d “		375 00
“ “ 24th “		500 00
“ “ 25th “		473 00
“ “ 26th “		500 00
“ “ 27th “		500 00
“ “ 28th “		500 00
“ “ 30th “		600 00
“ Prosecuting Attorney, Recorder's Court, Peru		100 00
“ “ Alton City Court.....		187 50
“ “ Court Common Pleas, Sparta.		500 00
“ “ Court Common Pleas, Amboy.....		500 00
Total Revenue Fund Warrants issued....		\$1,663,765 98
SPECIAL STATE FUNDS.		
Central Railroad Fund	\$1,000 66	
Interest Fund	309,464 41	
“ Institution for Education of Deaf and Dumb....	2,912 51	
“ Normal University, Bloomington	12,445 99	
“ money refunded.....	1,863 49	
State Debt Fund	77,501 92	
“ “ money refunded.....	2,178 44	
State School Fund, Superintendent of Public Instruction.....	6,500 00	
“ “ office Sup. Public Instruction	628 50	
“ “ money refunded	163,330 51	
Total warrants issued on Special State Funds....		577,827 43
LOCAL BOND FUNDS.		
Brimfield Township Bond Fund	\$4,600 00	
Buda Inc. Town “	1,500 00	
Brown County “	10,653 36	
Clay County “	1,797 85	
Elmwood Township “	6,200 00	
Evans “	4,042 57	
<i>Amount carried forward</i>	\$28,793 78	\$2,241,593 41

Statement—Continued.

TO WHAT ACCOUNT CHARGED.	Amount.
<i>Amount brought forward</i>.....\$28,793 78	\$2,241,593 41
LOCAL BOND FUNDS—CONTINUED.	
Dayton Township Bond Fund	1,214 85
Hancock County “	10,526 37
Henderson “ “	6,642 40
Mercer “ “	2,732 06
Mason “ “	2,183 15
Ottawa Township “	14,959 23
Osage “ “	2,022 39
Pike County “	13,599 37
Quiney City “	50,121 82
South Ottawa Township Bond Fund	2,936 60
Sangamon County “	1,577 50
Schuyler “ “	8,218 60
Warsaw City “	1,878 02
Wayne County “	3,487 05
Total warrants issued on Local Bond Funds	150,887 19
Total warrants drawn on the State Treasury during fiscal year	\$2,392,480 60

No. 5.

DETAILED STATEMENT of Warrants drawn on the State Treasury, during the fiscal year, commencing December 1, 1869, and ending November 30, 1870.

ACCOUNTS.	App	Amount.	Total.
APPROPRIATIONS—SPECIAL.			
To E. L. Gross & Bro., for 200 copies Gross' Statutes	1869	\$1,600 00	
To E. B. McCagg, Treasurer Chicago Charitable Eye and Ear Infirmary, appropriation for year 1870.	1869	5,000 00	
To James H. Beveridge, Treasurer Lincoln Monument Association, for appropriation to aid in building monument to memory of Abraham Lincoln	1867	50,000 00	
			\$56,600 00
APPROPRIATIONS—GENERAL.			
To John W. Bunn, for appropriations for year 1870, to State Agricultural Society.	1857	\$3,000 00	
To Jonathan Huggins, Treasurer, appropriation for year 1870, to State Horticultural Society.	1867	2,000 00	
To Kaskaskia River Navigation Company, for amount of State Revenue Tax collected in a certain district in Randolph county, for 1868.	1869	1,585 30	
To St. Clair and Monroe Levee and Drainage Company, for amount of State Revenue Tax levied in a certain district in St. Clair county, for the years 1865 and 1866.	65-7	9 43	
To St. Clair and Monroe Levee and Drainage Company, for State Revenue Tax levied in a certain district in Monroe county, for the years 1867 and 1868	65-7	165 38	
To Auditor, for reporting taxable lands and making transcripts of taxable lands for counties	1847	505 40	
To expenses in obtaining list of canal lands sold	1847	4 30	
To expenses of keeping interest and transfer books.	1849	1,625 00	
To George C. Mathew, pay as private in company B, regt. State at large.	1861	16 50	
			8,911 31
CANAL AND RIVER IMPROVEMENT.			
To contractors, and for engineering and materials for lock and dam at Henry, Illinois	1869	\$140,483 73	
To land damages and attorneys' fees.	1869	1,037 85	
To Joseph Utley, Commissioner, per diem	1867	1,825 00	
To Robert Milne, " "	1867	1,370 00	
To Virgil Hickox, " "	1867	1,825 00	
To J. G. Gindele, " "	1867	305 00	
			146,846 58
COMMISSIONERS OF PUBLIC CHARITIES.			
To Elmer Baldwin, Commissioner, expenses		\$274 40	
To George S. Robinson, " "		183 50	
To J. N. McCord, " "		341 25	
To S. M. Church, " "		257 70	
To Z. B. Lawson, " "		171 67	
To Fred. H. Wines, Secretary, per diem		3,000 00	
To Fred. H. Wines, " expenses		430 89	
To office expenses, including rent, furniture, postage and stationery		679 24	
			5,338 65
<i>Amount carried forward.</i>			\$217,696 54

Statement—Continued.

A C C O U N T S .				App.	Amount.	Total.
<i>Amount brought forward</i>						\$217,696 54
CONVEYING CONVICTS TO PENITENTIARY.						
To Sheriff of Adams county, for conveying 32 convicts.	1851				\$1,409 40	
“ Alexander “ “ 39 “	1851,'65				3,847 65	
“ Bond “ “ 1 “	1865				65 10	
“ Boone “ “ 0 “	.....				
“ Brown “ “ 2 “	1865				132 60	
“ Bureau “ “ 1 “	1851				34 65	
“ Calhoun “ “ 3 “	1865				148 20	
“ Carroll “ “ 3 “	“				147 60	
“ Cass “ “ 3 “	“				198 90	
“ Champaign “ “ 12 “	1851,'65				331 25	
“ Christian “ “ 4 “	1865				216 00	
“ Clark “ “ 5 “	1851				264 00	
“ Clay “ “ 6 “	1851,'65				462 00	
“ Clinton “ “ 0 “	.....				
“ Coles “ “ 3 “	1865				160 20	
“ Cook “ “ 173 “	1851				1,108 80	
“ Crawford “ “ 2 “	“				176 00	
“ Cumberl'nd “ “ 2 “	“				107 25	
“ DeKalb “ “ 2 “	1851,'65				98 00	
“ DeWitt “ “ 5 “	“				146 90	
“ Douglas “ “ 1 “	1865				43 50	
“ DuPage “ “ 4 “	1851				53 55	
“ Edgar “ “ 4 “	“				215 25	
“ Edwards “ “ 0 “	.....				
“ Effingham “ “ 2 “	1851				135 80	
“ Fayette “ “ 2 “	1865				118 20	
“ Ford “ “ 0 “	.....				
“ Franklin “ “ 2 “	1851,'65				181 35	
“ Fulton “ “ 6 “	1851				202 40	
“ Gallatin “ “ 2 “	“				256 85	
“ Greene “ “ 1 “	“				74 90	
“ Grundy “ “ 3 “	1865				21 60	
“ Hamilton “ “ 1 “	1851				101 85	
“ Hancock “ “ 4 “	1865				285 60	
“ Hardin “ “ 0 “	.....				
“ Henderson “ “ 3 “	1851				163 80	
“ Henry “ “ 17 “	“				438 90	
“ Iroquois “ “ 8 “	“				148 50	
“ Jackson “ “ 14 “	1851,'65				1,156 00	
“ Jasper “ “ 3 “	1851				154 00	
“ Jefferson “ “ 5 “	1865				385 50	
“ Jersey “ “ 0 “	.....				
“ JoDavieess “ “ 9 “	1851				343 80	
“ Johnson “ “ 1 “	1865				96 90	
“ Kane “ “ 5 “	1851				109 50	
“ Kankakee “ “ 0 “	.....				
“ Kendall “ “ 0 “	.....				
“ Knox “ “ 3 “	1851,'65				140 60	
“ Lake “ “ 4 “	“				91 25	
“ LaSalle “ “ 8 “	1851				98 90	
“ Lawrence “ “ 5 “	1851,'65				390 00	
“ Lee “ “ 7 “	1865				220 50	
“ Livingston “ “ 3 “	1851,'65				54 15	
“ Logan “ “ 13 “	“				451 40	
<i>Amount carried forward</i>					\$15,189 05	\$217,696 54

Statement—Continued.

ACCOUNTS.						App.	Amount.	Total.
<i>Amount brought forward.....</i>							\$15,189 05	\$217,696 54
CONVEYING CONVICTS TO PENITENTIARY.								
To Sheriff of Macon county, for conveying	6	convicts...	1865				243 00	
“ Macoupin county,	“	5 “	1851,'65				216 20	
“ Madison “	“	3 “	1851				212 40	
“ Marion “	“	7 “	1851,'65				473 55	
“ Marshall “	“	4 “	“				120 00	
“ Mason “	“	5 “	“				252 65	
“ Massac “	“	4 “	“				470 00	
“ McDonough “	“	5 “	“				266 80	
“ McHenry “	“	2 “	1865				53 40	
“ McLean “	“	5 “	1851,'65				141 05	
“ Menard “	“	0 “	.....				.....
“ Mercer “	“	4 “	1851				172 90	
“ Monroe “	“	1 “	“				94 50	
“ Montgomery “	“	1 “	“				68 25	
“ Morgan “	“	15 “	“				621 00	
“ Moultrie “	“	1 “	“				64 05	
“ Ogle “	“	0 “	.....				.....
“ Peoria “	“	17 “	1851,'65				542 90	
“ Perry “	“	3 “	1865				237 60	
“ Piatt “	“	1 “	1851				54 60	
“ Pike “	“	1 “	“				76 30	
“ Pope “	“	1 “	“				144 90	
“ Pulaski “	“	0 “	.....				.....
“ Putnam “	“	0 “	.....				.....
“ Randolph “	“	5 “	1851,'65				373 75	
“ Richland “	“	0 “	.....				.....
“ Rock Island “	“	8 “	1851,'65				338 40	
“ Saline “	“	0 “	.....				.....
“ Sangamon “	“	23 “	1851,'65				982 50	
“ Schuyler “	“	2 “	1851				131 45	
“ Scott “	“	2 “	1865				118 80	
“ Shelby “	“	12 “	1851,'65				564 20	
“ Stark “	“	4 “	“				123 00	
“ St. Clair “	“	11 “	1851				663 00	
“ Stephenson “	“	4 “	“				119 00	
“ Tazewell “	“	12 “	1851,'65				389 40	
“ Union “	“	9 “	“				757 50	
“ Vermilion “	“	4 “	“				193 25	
“ Wabash “	“	0 “	.....				.....
“ Warren “	“	3 “	1851,'65				150 10	
“ Washington “	“	7 “	“				437 50	
“ Wayne “	“	2 “	1865				166 20	
“ White “	“	6 “	1851,'65				577 50	
“ Whiteside “	“	4 “	“				131 00	
“ Will “	“	0 “	.....				.....
“ Williamson “	“	2 “	1851				211 40	
“ Winnebago “	“	6 “	1851,'65				214 50	
“ Woodford “	“	3 “	“				90 10	
<i>Amount carried forward.....</i>								26,447 60
								\$244,144 14

Statement—Continued.

ACCOUNTS.	App.	Amount.	Total.
<i>Amount brought forward</i>			\$244,144 14
CONTINGENT FUND.			
To C. C. Howorth, for freight on frames for portraits of Abraham Lincoln and Stephen A. Douglas.	1869	\$48 40	
“ O. H. Miner, for his services and expenses visiting Penitentiary at request of Governor.	“	41 00	
“ A. E. Darling, for frames for portraits of Abraham Lincoln and Stephen A. Douglas.	“	381 60	
“ E. B. Harlan, for services of Wm. C. Rich for arresting and obtaining supposed kidnappers, on Governor's order.	“	35 50	
“ Chicago & Alton Railroad Company, for transportation of sundry persons, on Governor's order.	“	76 80	
“ H. Dilger, Adjutant General, for expense of firing salute in memory of Gen. Geo. H. Thomas.	“	73 00	
“ C. S. Zane, for legal services in suit of G. W. Chatterton vs. Auditor P. A., and others.	“	100 00	
“ E. B. Herndon, for legal services in suit of G. W. Chatterton vs. Auditor P. A., and others.	“	100 00	
“ McKee, Fishback & Co., for advertising Governor's proclamation in St. Louis <i>Democrat</i>	“	6 00	
“ S. T. Mayo, for services and expenses examining accounts of Illinois Penitentiary.	“	74 80	
“ J. Bunn, for cabinet of insects belonging to estate of late Benj. D. Walsh, purchased by the State Entomologist, for the State.	“	2,500 00	
“ John M. Palmer, for frame for Governor's portrait.	“	114 55	
“ E. B. Harlan, for expenses in going to Monmouth, Ills., to quell a disturbance of the peace, by order of the Governor.	“	23 30	
“ H. Dilger, Adjutant General, for expenses going to Monmouth, Ills., to quell a disturbance of the peace, by order of the Governor.	“	22 55	
“ Chas. A. Hill, for his services in the case of the petition of Wm. M. Jackson, a convict in the Penitentiary, for a writ of <i>habeas corpus</i>	“	35 00	
“ Chicago & Alton Railroad Company, for transportation of sundry persons, on Governor's order.	“	20 20	
“ John M. Palmer, for amount used in arresting an escaped convict.	“	100 00	
“ John M. Palmer, for amount paid Aug. Campbell for receiving the census returns from northern district Illinois.	“	23 00	
“ F. W. Tracy, Cashier, for amount due J. F. Rittenhouse, for arresting a fugitive from justice.	“	60 00	
“ A. L. Ide, for heating apparatus built for use of General Assembly in Second Presbyterian Church, Springfield, Ills.	“	3,000 00	
“ H. Dilger, for his expenses while accompanying the Governor on a tour of inspection of State Institutions.	“	18 00	
“ Wm. LeBaron, for cabinet to preserve Entomological Collection, and for engraving for report of State Entomologist.	“	185 00	
			7,038 70
<i>Amount carried forward</i>			\$251,182 84

Statement—Continued.

ACCOUNTS.					App.	Amount.	Total.
<i>Amount brought forward</i>							\$251,182 84
COUNTY AGRICULTURAL SOCIETIES.							
To	Bond	County Agricultural Society, for 1870....		1861		\$100 00	
	Boone	"	"	"	"	100 00	
	Bureau	"	"	"	"	100 00	
	Carroll	"	"	"	"	100 00	
	Cass	"	"	"	"	100 00	
	Champaign	"	"	"	"	100 00	
	Christian	"	"	"	"	100 00	
	Clark	"	"	"	"	100 00	
	Clay	"	"	"	"	100 00	
	Clinton	"	"	"	"	100 00	
	Coles	"	"	"	"	100 00	
	Cook	"	"	"	"	100 00	
	Crawford	"	"	"	"	100 00	
	Cumberland	"	"	"	"	100 00	
	DeKalb	"	"	"	"	100 00	
	DeWitt	"	"	"	"	100 00	
	Douglas	"	for 1869....	"	"	100 00	
	DuPage	"	for 1870....	"	"	100 00	
	Edgar	"	"	"	"	100 00	
	Edwards	"	"	"	"	100 00	
	Fayette	"	"	"	"	100 00	
	Franklin	"	"	"	"	100 00	
	Fulton	"	"	"	"	100 00	
	Gallatin	"	"	"	"	100 00	
	Greene	"	"	"	"	100 00	
	Grundy	"	"	"	"	100 00	
	Hamilton	"	"	"	"	100 00	
	Hancock	"	"	"	"	100 00	
	Henderson	"	"	"	"	100 00	
	Henry	"	"	"	"	100 00	
	Iroquois	"	"	"	"	100 00	
	Jackson	"	"	"	"	100 00	
	Jefferson	"	"	"	"	100 00	
	Jersey	"	for 1869 and '70	"	"	200 00	
	Jo Daviess	"	for 1870....	"	"	100 00	
	Johnson	"	"	"	"	100 00	
	Kane	"	"	"	"	100 00	
	Kankakee	"	"	"	"	100 00	
	Kendall	"	"	"	"	100 00	
	Knox	"	"	"	"	100 00	
	Lake	"	"	"	"	100 00	
	LaSalle	"	"	"	"	100 00	
	Lawrence	"	"	"	"	100 00	
	Lee	"	"	"	"	100 00	
	Livingston	"	"	"	"	100 00	
	Macon	"	"	"	"	100 00	
	Macoupin	"	"	"	"	100 00	
	Madison	"	"	"	"	100 00	
	Marion	"	"	"	"	100 00	
	Marshall	"	"	"	"	100 00	
	Mason	"	"	"	"	100 00	
	Massac	"	"	"	"	100 00	
	Mc Donough	"	"	"	"	100 00	
	McHenry	"	"	"	"	100 00	
<i>Amount carried forward</i>						\$5,500 00	\$251,182 84

Statement—Continued.

ACCOUNTS.		App.	Amount.	Total.
<i>Amount brought forward</i>			\$5,500 00	\$251,182 84
COUNTY AGRICULTURAL SOCIETIES—CONTINUED.				
To McLean County Agricultural Society, for 1870....	1861		100 00	
Menard " " " " " " " " " "			100 00	
Mercer " " " " " " " " " "			100 00	
Monroe " " " " " " " " " "			100 00	
Montgomery " " " " " " " " " "			100 00	
Morgan " " " " " " " " " "			100 00	
Moultrie " " " " " " " " " "			100 00	
Ogle " " " " " " " " " "			100 00	
Peoria " " " " " " " " " "			100 00	
Perry " " " " " " " " " "			100 00	
Piatt " " " " " " " " " "			100 00	
Pike " " " " " " " " " "			100 00	
Pope " " " " " " " " " "			100 00	
Putnam " " " " " " " " " "			100 00	
Randolph " " " " " " " " " "			100 00	
Richland " " " " " " " " " "			100 00	
Rock Island " " " " " " " " " "			100 00	
Saline " " " " " " " " " "			100 00	
Schuyler " " " " " " " " " "			100 00	
Shelby " " " " " " " " " "			100 00	
Stark " " " " " " " " " "			100 00	
St. Clair " " " " " " " " " "			100 00	
Tazewell " " " " " " " " " "			100 00	
Union " " " " " " " " " "			100 00	
Vermilion " " " " " " " " " "			100 00	
Wabash " " " " " " " " " "			100 00	
Warren " " " " " " " " " "			100 00	
Wayne " " " " " " " " " "			100 00	
Whiteside " " " " " " " " " "			100 00	
Will " " " " " " " " " "			100 00	
Williamson " " " " " " " " " "			100 00	
Winnebago " " " " " " " " " "			100 00	
Woodford " " " " " " " " " "			100 00	
Atlanta (Logan County) Union Central Agricultural Society, for 1870			100 00	
Union Agricultural Institute, Sandwich, DeKalb County, for 1870			100 00	
Union Agricultural Society of JoDaviess, Stephenson and Lafayette Counties, for 1867-8-9 and 1870			400 00	
COONSTITUTIONAL CONVENTION.				9,400 00
To pay of members, officers and employees.....	1869		\$83,703 60	
" " temporary officers			336 00	
" " chaplains			460 00	
" " official reporters.....			21,142 18	
" " reporters' messenger.....			648 00	
" " clerks of committees			942 00	
" " janitors of committee rooms			2,505 00	
" E. L. Baker, for printing and "Convention Journals" furnished members.			16,370 24	
" E. L. Merritt & Bro., for printing and "Convention Registers" furnished members			15,000 00	
" Enoch Paine, on contract for binding.....			2,500 00	
<i>Amount carried forward</i>			\$143,607 02	\$260,582 81

Statement—Continued.

ACCOUNTS.	App	Amount.	Total.
<i>Amount brought forward</i> .....	...	\$143,607 02	\$260,582 84
CONSTITUTIONAL CONVENTION—CONTINUED.			
To translating and printing Const'n in foreign languages..	1869	2,854 49	
“ printing Constitution in newspapers	“	9,210 00	
“ printing paper.....	“	7,649 23	
“ postage	“	2,214 00	
“ stationery.....	“	688 50	
“ proof reading.....	“	1,776 00	
“ recording and indexing journals.....	“	500 00	
“ committee room rent	“	30 00	
“ coal for committee rooms	“	27 43	
“ maps.....	“	16 25	
“ enrolling new Constitution	“	100 00	
(See p. 28, Incid. Exp. acct. for \$14,324 89, Conv. Ex.)			168,672 92
EXECUTIVE MANSION.			
To appropriation for fuel, lights, etc	1869	\$4,500 00	
“ “ “ repairs	“	2,576 35	
“ “ “ furnishing	“	1,698 70	
			8,775 05
EXPERIMENTAL SCHOOL FOR IDIOTS.			
To appropriation for support.....	1869	.....	20,000 00
FIELD NOTES AND SURVEYS.			
To salary of custodian.....	1869	\$500 00	
“ stationery and furniture for office	“	201 92	
“ postage.....	“	10 00	
			711 92
FUGITIVES FROM JUSTICE.			
To sundry persons for returning fugitives	1867	\$4,106 42	
“ S. H. Gilson, for reward for arrest of Wm. H. Stout charged with crime of murder.....	“	200 00	
			4,306 42
FUND COMMISSIONERS' CLERK.			
To Enoch Moore, for salary.....	1869	.....	1,000 00
GENERAL ASSEMBLY.			
To Phillips & Ingalls, for copying laws, journals, etc., 26th General Assembly.....	1869	.....	1,538 68
GEOLOGICAL SURVEY.			
To State Geologist, salary and expenses.....	1869	\$4,125 43	
“ assistants, for salary and expenses.....	“	1,469 22	
“ stationery ..	“	10 90	
“ furniture, repairs, etc.....	“	93 15	
“ Masonic Hall Stock Company, for rent.....	“	700 00	
“ Topographer, for salary.....	1853	500 00	
			6,898 70
GEOLOGICAL REPORTS.			
To engraving for 4th volume	1869	\$4,063 25	
“ drawings of fossils for 5th volume.....	“	750 00	
			4,813 25
<i>Amount carried forward</i>.....	.....	.....	\$477,299 78

Statement—Continued.

ACCOUNTS.	App.	Amount.	Total.
<i>Amount brought forward</i>			\$477,299 78
INCIDENTAL EXPENSES.			
To printing paper	1869	\$13,219 56	
“ stationery	“	100 62	
“ articles furnished	“	239 42	
“ repairs	“	258 47	
“ labor	“	325 25	
“ flag-staff on State House cupola	“	160 00	
“ gas burned at the State House	“	1,795 47	
“ water rent	“	74 00	
“ distribution laws, journals, reports, etc.	“	1,156 96	
“ watchmen at State House	“	2,993 25	
“ scavenger	“	311 00	
“ printing paper for Constitutional Convention	“	1,320 00	
“ stationery “ “ “	“	7,061 50	
“ blank books for convention journal for Constitutional Convention	“	90 00	
“ rent of committee rooms for Constitutional Convention	“	817 85	
“ furniture, stoves, matting, etc., for committee rooms for Constitutional Convention	“	1,296 59	
“ extra clerks in Secretary's office for Constitutional Convention	“	2,583 00	
“ janitor in water-closet for Constitutional Convention	“	261 25	
“ maps and articles furnished for Constitutional Convention	“	62 00	
“ postage for Constitutional Convention	“	18 00	
“ repairs of desks, keys, etc., for Constitutional Convention	“	59 00	
“ ice furnished for Constitutional Convention	“	114 00	
“ distributing new Constitution, blanks and tickets for Constitutional Convention	“	641 70	
For ordinary expenses		\$20,634 00	
“ Convention		14,824 89	
			34,958 89
INSANE HOSPITAL—JACKSONVILLE.			
To ordinary expenses	1869	\$90,000 00	
“ insurance	“	750 00	
“ patients' library	“	500 00	
“ improvement of water works	“	2,000 00	
“ “ ventilation “old wings”	“	7,500 00	
			100,750 00
INSANE HOSPITAL—SOUTHERN.			
To appropriation for locating and erecting	1869		40,000 00
INSANE HOSPITAL—NORTHERN.			
To appropriation for locating and erecting	1869		110,000 00
INSTITUTION FOR THE EDUCATION OF THE BLIND.			
To ordinary expenses	1869		25,000 00
<i>Amount carried forward</i>			\$788,008 67

Statement—Continued.

ACCOUNTS.	App.	Amount.	Total.
<i>Amount brought forward</i>.....	.....	.....	\$788,008 67
INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB.			
To ordinary expenses	1869	\$56,250 00	58,250 00
“ repairs	“	2,000 00	
NOTE.—See Interest Fund account for \$2,913 51, paid this institution, being dividend of interest on School, Col- lege and Seminary Fund for 1869.			
ILLINOIS PENITENTIARY.			
To appropriation for maintaining and carrying on the penitentiary	1869	.....	90,000 00
ILLINOIS SOLDIERS' COLLEGE.			
To appropriation for support and tuition of pupils.....	1869	.....	14,154 45
ILLINOIS INDUSTRIAL UNIVERSITY.			
To Horticultural Department for 1870.....	1869	\$10,000 00	22,500 00
“ Agricultural Department for 1870	“	12,500 00	
JUDGMENTS—CLERKS' AND SHERIFFS' FEES.			
To costs in State suits.....	1853	.....	379 00
MONEY REFUNDED.			
To collectors for overpayments on accounts.....	1853	\$8,121 36	8,767 64
“ taxes refunded, paid in error.....	“	646 28	
MILITARY STATE AGENT.			
To salary.....	.....	\$3,600 00	3,900 00
“ expenses .....	.....	300 00	
NORMAL UNIVERSITY—BLOOMINGTON.			
To deficiency in salaries for 1870.....	1869	\$9,000 00	11,500 00
“ salary Curator Ill. Nat. History Society... ..	“	1,500 00	
“ Museum Ill. Nat. History Society	“	1,000 00	
NOTE.—See Interest Fund account for \$12,445 99, paid this institution, being dividend on School, College and Seminary Fund for 1869.			
NORMAL UNIVERSITY—SOUTHERN.			
To building	1869	\$65,000 00	70,119 07
“ Eli Boyer, per diem and expenses as Trustee.....	“	697 00	
“ D. Hurd, “ “ “	“	544 75	
“ T. W. Harris, “ “ “	“	939 90	
“ E. J. Palmer, “ “ “	“	1,374 92	
“ Sam. E. Flannigan, per diem and expenses.....	“	1,562 50	
<i>Amount carried forward</i>.....	.....	.....	\$1,067,578 83

Statement—Continued.

ACCOUNTS.	App.	Amount.	Total.
<i>Amount brought forward.....</i>	\$1,067,578 83
OFFICE OF THE GOVERNOR.			
To stationery.....	1869	\$77 50	923 37
" postage.....	"	228 67	
" telegrams.....	"	113 25	
" express charges.....	"	85	
" articles furnished.....	"	138 85	
" subscription to papers.....	"	36 00	
" repairs.....	"	16 25	
" page in office.....	"	312 00	
OFFICE OF THE SECRETARY OF STATE.			
To stationery.....	1869	\$158 64	1,541 01
" postage.....	"	491 48	
" express charges.....	"	177 70	
" articles furnished.....	"	296 69	
" blank books.....	"	160 00	
" repairs.....	"	56 50	
" examiners of printing and binding accounts.....	"	10 00	
" subscription for papers to file in state library.....	"	121 50	
" binding old books for state library.....	"	68 50	
OFFICE OF AUDITOR OF PUBLIC ACCOUNTS.			
To stationery.....	1869	\$995 60	2,551 40
" postage.....	"	880 00	
" revenue stamps.....	"	11 65	
" express charges.....	"	80 00	
" telegrams.....	"	17 35	
" articles furnished.....	"	185 75	
" repairs.....	"	62 95	
" furniture.....	"	153 10	
" legal advice.....	"	150 00	
" Gross' Statutes and index to laws.....	"	13 00	
OFFICE OF STATE TREASURER.			
To stationery.....	1869	\$796 00	1,514 20
" postage.....	"	406 00	
" articles furnished, and repairs.....	"	258 00	
" detective services.....	"	47 00	
" telegrams.....	"	7 20	
OFFICE OF ADJUTANT GENERAL.			
To ordnance officer.....	\$799 98	2,594 87
" messenger.....	.....	249 98
" clerk.....	.....	337 83
" labor, cleaning arms.....	.....	197 29
" postage and incidental expenses.....	.....	1,009 79
<i>Amount carried forward.....</i>	\$1,076,703 68

Statement—Continued.

ACCOUNTS.	App.	Amount.	Total.
<i>Amount brought forward</i>			\$1,076,703 68
PUBLIC PRINTING.			
To E. L. Baker, laws, etc., 26th General Assembly.....	1869	\$4,450 00	
same State Agricultural Report (balance).....	“	203 00	
same blanks, circulars, election registers, etc...	“	22,607 24	
same advertising	“	128 40	
To John P. Baker, reports, blanks, circulars, etc.....	“	5,800 00	
			33,188 64
PUBLIC BINDING.			
To Enoch Paine, for 25th General Assembly	1869	\$363 35	
same for 26th “	“	11,800 00	
			12,163 35
PUBLISHING NOTICES.			
To proposals for printing and binding.....	1849	\$580 23	
“ printing paper.....	“	495 05	
“ wood for State House.....	“	12 00	
			1,087 28
PORTERS OF THE STATE HOUSE.			
To porters at State House	1869		5,367 50
REPAIRS TO STATE HOUSE.			
To shrubbery for grounds	1869	\$119 00	
“ repairs in water-closet	“	53 60	
“ removing dirt and rubbish from gutters and yard.....	“	54 00	
“ glass in windows	“	18 75	
“ repairing gates, doors and locks.....	“	44 40	
			289 75
REPORTS OF SUPREME COURT.			
To 564 copies of the 46th and 47th volumes.....	1865	\$6,768 00	
“ 570 copies of the 48th, 49th and 50th volumes.....	“	10,260 00	
			17,028 00
REVISION OF STATUTES.			
To Gross' Statutes, in sheets and bound.....	1869	\$46 00	
“ books furnished Commissioners.....	“	96 00	
			142 00
SOLDIERS' ORPHANS' HOME.			
To ordinary expenses	1869	\$45,000 00	
“ insurance.....	“	500 00	
			45,500 00
STATE'S ATTORNEYS' FEES.			
To commissions on amount collected on judgments.....	1849		275 00
STATE BOARD OF EQUALIZATION.			
To pay of officers for services after adjournment, session 1869.....	1867	\$600 00	
“ per diem and mileage of members and officers, session 1870.....	“	6,932 50	
“ clerks of committees, session 1870	“	252 00	
“ postage, session 1870.....	“	615 00	
“ stationery	“	292 25	
			8,691 75
<i>Amount carried forward</i>			\$1,200,436 95

Statement—Continued.

ACCOUNTS.	App.	Amount.	Total.
<i>Amount brought forward</i>.....	.....	.....	\$1,200,436 95
STATE LIBRARY.			
To new books purchased	1869	\$6,000 00	
“ new books purchased.....	1865	500 00	
“ expenses purchasing books	1869	241 50	
“ express charges on books	“	26 35	
			6,767 85
SUPREME COURT, FIRST DIVISION—NOW SOUTHERN.			
To law books purchased.....	1857	\$350 75	
“ clerk's salary as librarian	“	250 00	
“ clerk hire, allowed clerk	1869	486 09	
“ postage, express charges and incidental expenses.....	1849	792 25	
“ stationery	“	121 42	
“ record book.....	“	31 50	
“ repairs of Court House.....	1859	325 00	
			2,357 01
SUPREME COURT, SECOND DIVISION—NOW MIDDLE.			
To law books purchased	1857	\$615 25	
“ clerk's salary as Librarian	“	150 00	
“ clerk hire, allowed clerk	1869	600 00	
“ postage stamps, express charges, etc.....	1849	280 90	
“ labor, and articles furnished.....	“	172 62	
“ stationery	“	495 70	
“ compensation allowed sheriff Sangamon county	“	87 00	
“ sheriff Sangamon county, attendance on court.....	1865	112 00	
			2,513 47
SUPREME COURT, THIRD DIVISION—NOW NORTHERN.			
To law books purchased.....	1857	\$469 80	
“ clerk's salary as librarian	“	100 00	
“ repairs of court house	1849	794 64	
“ furniture	“	618 50	
“ labor, and materials.....	“	561 59	
“ postage, stationery, etc.	“	1,088 75	
“ washing, express charges, etc.....	“	81 47	
“ printing.....	“	327 50	
“ binding.....	“	115 75	
“ coal	“	180 00	
“ articles furnished.....	“	64 13	
“ janitor.....	“	150 00	
			4,552 13
STATE HOUSE—NEW.			
To per diem of commissioners and secretary	1869	\$7,310 00	
“ stationery, furniture and other office expenses	“	583 22	
“ porter in commissioners' office.....	“	847 50	
“ rent of office	“	1,490 00	
“ advertising and printing.	“	1,009 65	
“ commissions of superintendents, on expenditures.....	“	7,531 57	
“ services of assistant superintendent.....	“	3,000 00	
“ employees, for measuring stone, etc.....	“	1,156 00	
“ railroad tracks purchased.	“	1,000 00	
“ analysis of stone	“	144 20	
<i>Amount carried forward</i>.....	.....	\$24,072 14	\$1,216,627 41

Statement—Continued.

ACCOUNTS.	App.	Amount.	Total.
<i>Amount brought forward</i>		\$24,072 14	\$1,216,627 41
STATE HOUSE—NEW.—CONTINUED.			
To Nails and articles furnished.....	1869	\$24 48	
“ Brick furnished on contract.....	“	912 42	
“ Illinois Penitentiary, for stone and dressing stone....	“	169,194 53	
“ Barnard and Gowen, for labor and materials, on contract.....	“	73,230 77	
			\$267,434 84
STATE REFORM SCHOOL.—PONTIAC.			
To appropriation for building and providing for economical working of State Reform School.....	1869	\$58,500 00	
			58,500 00
SALARIES—STATE OFFICERS.			
To Governor, for salary.....	1869	\$1,500 00	
“ “ “ clerk hire.....	“	2,423 60	
			3,923 60
To Secretary of State, for salary.....	1869	\$800 00	
“ “ “ “ as Librarian.....	“	500 00	
“ “ “ for clerk hire.....	“	2,500 00	
			3,800 00
To Auditor of Public Accounts, for salary.....	1869	\$750 00	
“ “ “ “ clerk hire.....	“	2,958 30	
			3,708 30
To State Treasurer, for salary.....	1869	\$600 00	
“ “ “ clerk hire.....	“	1,875 00	
			2,475 00
To Attorney General, for salary.....	1869	\$3,500 00	
			3,500 00
To Adjutant General, for salary.....	1869	\$1,500 00	
			1,500 00
To State Entomologist, for salary.....	67-9	\$828 76	
			828 76
SALARIES—JUDICIARY.			
To Judge Supreme Court, First District, for salary, under new Constitution.....	1870	\$1,260 87	
“ Judge Supreme Court, First Division, for salary.....	1869	822 57	
“ “ “ “ for clerk hire....	1865	1,096 78	
“ “ “ “ for additional clerk hire.....	1869	600 00	
			3,780 22
To Judge Supreme Court, Fourth District, for salary under new Constitution.....	1870	\$927 53	
“ Judge Supreme Court, Second Division for salary.....	1869	822 57	
“ “ “ “ clerk hire.....	1865	1,096 78	
“ “ “ “ additional clerk hire.....	1869	600 00	
			3,446 88
<i>Amount carried forward</i>			\$1,569,524 51

Statement—Continued.

ACCOUNTS.	App.	Amount.	Total.
<i>Amount brought forward.</i>			\$1,569,524 51
SALARIES—JUDICIARY.—CONTINUED.			
To Judge Supreme Court, Fifth District, for salary, under new Constitution.	1870	\$927 53	
“ Judge Supreme Court, Third Division, for salary.	1869	922 57	
“ “ “ “ for clerk hire..	1865	1,230 12	
“ “ “ “ for additional clerk hire... ..	1869	600 00	
			3,680 22
To Judge Supreme Court, Sixth District, for salary under new Constitution.....	1870	\$927 53	
			927 53
To Judge Supreme Court, Seventh District, for salary under new Constitution.....	1870	\$594 20	
			594 20
To Judge First Circuit, for revision of Statutes.	1869	\$1,000 00	
“ “ for salary.	1869	934 78	
“ “ “ under new Constitution.	1870	195 65	
			2,130 43
To Judge Second Circuit, for revision of Statutes.	1869	\$1,000 00	
“ “ for salary.....	1869	934 78	
“ “ “ under new Constitution.	1870	195 65	
			2,130 43
To Judge Third Circuit, for revision of Statutes.	1869	\$1,000 00	
“ “ for salary.....	1869	934 78	
“ “ “ under new Constitution.	1870	195 65	
			2,130 43
To Judge Fourth Circuit, for revision of Statutes.....	1869	\$1,000 00	
“ “ for salary... ..	1869	840 00	
			1,840 00
To Judge Fifth Circuit, for revision of Statutes.	1869	\$1,000 00	
“ “ for salary.....	1869	934 78	
“ “ “ under new Constitution	1870	195 65	
			2,130 43
To Judge Sixth Circuit, for revision of Statutes.....	1869	\$1,000 00	
“ “ for salary.....	1869	934 78	
“ “ “ under new Constitution	1870	195 65	
			2,130 43
To Judge Seventh Circuit, for revision of Statutes.....	1869	\$1,000 00	
“ “ for salary.....	1869	1,000 00	
			2,000 00
To Judge Eighth Circuit, for revision of Statutes.....	1869	\$1,000 00	
“ “ for salary... ..	1869	932 06	
“ “ “ under new Constitution	1870	114 10	
			2,046 16
<i>Amount carried forward.</i>			\$1,591,264 77

Statement—Continued.

ACCOUNTS.	App.	Amount.	Total.
<i>Amount brought forward</i>			\$1,591,264 77
SALARIES—JUDICIARY.—CONTINUED.			
To Judge Ninth Circuit, for revision of Statutes.....	1869	\$1,000 00	
“ “ “ for salary	“	934 78	
“ “ “ under New Constitution.....	1870	195 65	2,130 43
To Judge Tenth Circuit, for revision of Statutes	1869	\$1,000 00	
“ “ “ for salary	“	934 78	1,934 78
To Judge Eleventh Circuit, for revision of Statutes.....	1869	\$1,000 00	
“ “ “ for salary	“	684 78	
“ “ “ under New Con.....	1870	195 65	1,880 43
To Judge Twelfth Circuit, for revision of Statutes.....	1869	\$1,000 00	
“ “ “ for salary	“	834 78	
“ “ “ under New Con.....	1870	750 00	2,584 78
To Judge Thirteenth Circuit, for revision of Statutes	1869	\$1,000 00	
“ “ “ for salary	“	934 78	
“ “ “ under New Con	1870	195 65	2,130 43
To Judge Fourteenth Circuit, for revision of Statutes.....	1869	\$1,000 00	
“ “ “ for salary	“	932 06	1,932 06
To Judge Fifteenth Circuit, for revision of Statutes	1869	\$1,000 00	
“ “ “ for salary ..	“	684 78	
“ “ “ under New Con.....	1870	195 65	1,880 43
To Judge Sixteenth Circuit, for revision of Statutes	1869	\$1,000 00	
“ “ “ for salary	“	934 78	
“ “ “ under New Con.....	1870	195 65	2,130 43
To Judge Seventeenth Circuit, for revision of Statutes....	1869	\$1,000 00	
“ “ “ for salary	“	934 78	
“ “ “ under New Con..	1870	195 65	2,130 43
To Judge Eighteenth Circuit, for revision of Statutes.....	1869	\$1,000 00	
“ “ “ for salary	“	1,184 78	
“ “ “ under New Con...	1870	698 30	2,883 08
To Judge Nineteenth Circuit, for revision of Statutes	1869	\$1,000 00	
“ “ “ for salary.....	“	934 78	
“ “ “ under New Con ..	1870	195 65	2,130 43
<i>Amount carried forward</i>			\$1,615,012 48

Statement—Continued.

ACCOUNTS.	App.	Amount.	Total.
<i>Amount brought forward</i>			\$1,615,012 48
SALARIES—JUDICIARY.—CONTINUED.			
To Judge Twentieth Circuit, for revision of Statutes.....	1869	\$1,000 00	
“ “ “ for salary.....	“	934 78	
“ “ “ “ under New Con....	1870	195 65	2,130 43
To Judge Twenty-first Circuit, for revision of Statutes	1869	\$1,000 00	
“ “ “ for salary.....	“	684 78	
“ “ “ “ under New Con...	1870	195 65	1,880 43
To Judge Twenty-second Circuit, for revision of Statutes..	1869	\$1,000 00	
“ “ “ for salary	“	934 78	
“ “ “ “ under New Con.	1870	945 65	2,880 43
To Judge Twenty-third Circuit, for revision of Statutes ...	1869	\$1,000 00	
“ “ “ for salary.....	“	934 78	
“ “ “ “ under New Con..	1870	195 65	2,130 43
To Judge Twenty-fourth Circuit, for revision of Statutes ..	1869	\$1,000 00	
“ “ “ for salary.....	“	934 78	
“ “ “ “ under New Con.	1870	195 65	2,130 43
To Judge Twenty-fifth Circuit, for revision of Statutes....	1869	\$1,000 00	
“ “ “ for salary.....	“	934 78	
“ “ “ “ under New Con ..	1870	945 65	2,880 43
To Judge Twenty-sixth Circuit, for revision of Statutes ...	1869	\$1,000 00	
“ “ “ for salary	“	934 78	
“ “ “ “ under New Con..	1870	570 65	2,505 43
To Judge Twenty-seventh Circuit, for revision of Statutes.	1869	\$1,000 00	
“ “ “ for salary	“	684 78	
“ “ “ “ under New Con.	1870	195 65	1,880 43
To Judge Twenty-eighth Circuit, for revision of Statutes..	1869	\$1,000 00	
“ “ “ for salary	“	934 78	
“ “ “ “ under New Con.	1870	195 65	2,130 43
To Judge Thirtieth Circuit, for revision of Statutes	1869	\$1,000 00	
“ “ “ for salary.....	“	823 37	
“ “ “ “ under New Con.....	1870	945 65	2,769 02
To Judge Superior Court of Chicago, for salaries	1869	\$3,250 00	3,250 00
To Judge Recorder's Court of Chicago, for salary.....	“	\$684 78	684 78
<i>Amount carried forward</i>			\$1,642,265 15

Statement—Continued.

ACCOUNTS.	App.	Amount.	Total.
<i>Amount brought forward</i>			\$1,642,265 15
SALARIES—JUDICIARY.—CONTINUED.			
To Judge Recorder's Court of Peru, for salary.....	1869	\$750 00	750 00
To Judge Court of Common Pleas, Aurora and Elgin, for salary.....	1869	\$1,000 00	1,000 00
To Judge Alton City Court, for salary.	1869	\$1,000 00	1,000 00
To Judge Court of Common Pleas, city of Amboy, for salary.....	1869	\$934 00	
“ Judge Court of Common Pleas, city of Amboy, for salary, under new Constitution.....	1870	195 65	1,130 43
To Judge Court of Common Pleas, city of Mattoon, for salary.....	1869	\$848 90	848 90
To Judge Court of Common Pleas, Sparta, for salary....	1869	\$1,000 00	1,000 00
SALARIES—ATTORNEYS'.			
To State's Attorney, First.....Circuit, for salary....	1869	\$500 00	
“ Second “ “	“	250 00	
“ Third “ “	“	375 00	
“ Fourth “ “	“	500 00	
“ Fifth “ “	“	500 00	
“ Sixth “ “	“	500 00	
“ Seventh “ “	“	375 00	
“ Eighth “ “	“	511 00	
“ Ninth “ “ 1849	“	700 00	
“ Tenth “ “	“	575 00	
“ Eleventh “ “	“	500 00	
“ Twelfth “ “	“	500 00	
“ Thirteenth “ “	“	500 00	
“ Fourteenth “ “	“	500 00	
“ Fifteenth “ “	“	500 00	
“ Sixteenth “ “	“	500 00	
“ Seventeenth “ “	“	500 00	
“ Eighteenth “ “	“	500 00	
“ Nineteenth “ “	“	375 00	
“ Twentieth “ “	“	500 00	
“ Twenty-first “ “	“	625 00	
“ Twenty-second “ “	“	375 00	
“ Twenty-third “ “	“	375 00	
“ Twenty-fourth “ “	“	500 00	
“ Twenty-fifth “ “	“	473 00	
“ Twenty-sixth “ “	“	500 00	
“ Twenty-seventh “ “	“	500 00	
“ Twenty-eighth “ “	“	500 00	
“ Thirtieth “ “ 1849	“	500 00	
<i>Amount carried forward</i>		\$14,109 00	\$1,647,994 48

Statement—Continued.

ACCOUNTS.	App.	Amount.	Total.
<i>Amount brought forward.....</i>		\$14,109 00	\$1,647,994 48
SALARIES—JUDICIARY.—CONTINUED.			
To Prosecuting Attorney, Superior Court of Chicago.....	1869	187 50	
“ “ Recorder’s “ “	“	187 50	
“ “ “ “ Peru.....	“	100 00	
“ “ Alton City Court.....	“	187 50	
“ “ Court Common Pleas, Sparta..	“	500 00	
“ “ “ “ “ Amboy..	“	500 00	
			15,771 50
SPECIAL STATE FUNDS.			
CENTRAL RAILROAD FUND.			
To State Indebtedness paid under Governor’s proclamation of October 9, 1868.....			1,000 66
INTEREST FUND.			
To over-payment on Collectors’ accounts.....	1853	\$1,863 49	
“ Payment of 48th and 49th Installment of Interest....		287,387 25	
“ past due interest at Treasury.....		10,142 87	
“ premium on gold, and expenses.....		11,934 29	
“ Institution for Education Deaf and Dumb, for interest dividend on School, College, and Seminary Fund..		2,913 51	
“ Normal University, for interest dividend on School, College, and Seminary Fund.....		12,445 99	
			326 687 40
STATE DEBT FUND.			
To over-payment on Collectors’ accounts.....	1853	\$2,178 44	
“ bonds paid, under Governor’s proclamation, January 29, 1869.....		4,000 00	
“ bonds paid, under Governor’s proclamation, November 23, 1869.....		67,000 00	
“ bonds purchased by the Governor.....		4,925 00	
“ Scrip, Interest Certificates, and interest on bonds pur- chased.....		1,166 52	
“ advertising Governor’s proclamation, Nov. 23, 1869..		410 40	
			79,680 36
STATE SCHOOL FUND.			
To over-payments on Collectors’ accounts.....	1853	\$163,330 51	
“ Superintendent of Public Instruction, salary, clerk hire, and traveling expenses.....	1869	6,500 00	
“ office expenses of Superintendent Public Instruction..	“	628 50	
			170,459 01
LOCAL BOND FUNDS.			
To interest on Brimfield township bonds, and expenses...		\$4,600 00	
“ “ Buda Inc. Town “ “		1,500 00	
“ int. and pr. Brown county “ “		10,653 36	
“ interest on Clay “ “		1,797 85	
“ “ Elmwood township “ “		6,200 00	
<i>Amount carried forward.....</i>		\$24,751 21	\$2,241,598 41

Statement—Continued.

ACCOUNTS.				App.	Amount.	Total.
<i>Amount brought forward.....</i>					\$24,751 21	\$2,241,593 41
LOCAL BOND FUNDS—CONTINUED.						
To interest on	Evans Township	Bonds, and expenses.	.....		4,042 57	
"	Dayton "	" "	.....		1,214 85	
"	Hancock County	" "	.....		10,526 37	
" pr. and int.	Henderson "	" "	.....		6,642 40	
"	Mercer "	" "	.....		2,732 06	
" interest on	Mason "	" "	.....		2,183 15	
"	Ottawa Township	" "	.....		14,959 23	
"	Osage "	" "	.....		2,022 39	
"	Pike County	" "	.....		13,599 37	
"	Quincy City	" "	.....		50,121 82	
"	South Ottawa Township	" "	.....		2,930 60	
"	Sangamon County	" "	.....		1,577 50	
"	Schuyler "	" "	.....		8,218 60	
"	Wayne "	" "	.....		3,487 05	
"	Warsaw City	" "	..		1,878 02	
						150,887 19
Grand total of warrants issued during the fiscal year....						\$2,392,480 60

No. 6.

STATEMENT of Warrants outstanding Dec. 1, 1869, and Nov. 30, 1870.

Amount of warrants outstanding Dec. 1, 1869.....	\$508,041 62
Amount of warrants issued to Nov. 30, 1870.....	2,392,480 60
Total.....	\$2,900,522 22
Amount of warrants returned to Auditor's office, canceled, to Nov. 30, 1870...	2,895,605 13
Amount of warrants outstanding Dec. 1, 1870:	
Revenue warrants.....	\$4,747 97
School Fund warrants.....	169 12
	<u>\$4,917 09</u>

No. 7.

STATEMENT of the condition of the School, College and Seminary Funds, on the first day of December, 1870.

Amount of surplus revenue credited to School Fund.....	\$335,592 32	
Amount of 3 per cent. fund credited to School Fund.....	613,362 96	
		\$948,955 28
Amount of 3 per cent. fund credited to the College Fund.		156,613 32
Amount of the Seminary Fund.....		59,838 72
Total of School, College and Seminary Funds		<u>\$1,165,407 32</u>
Paid one year's interest, at 6 per cent., on the above funds, as follows:		
To the Normal University		\$12,445 99
To the Institution for the Deaf and Dumb		2,913 51
Distributed to counties, as per table.....		54,564 93
Total.....		<u>\$69,924 43</u>

No. 8.

STATEMENT of State Indebtedness called in by proclamation of the Governor, paid with the Central Railroad Fund, and canceled and deposited with the Auditor of Public Accounts, during the fiscal year, commencing Dec. 1, 1869, and ending Nov. 30, 1870.

When purchased.	From whom purchased—description of stock, etc.	Amount.
Aug. 19, 1870....	E. N. Bates, Treas., interest stock No. 2501; prin. \$1000, int. 66 cts	\$1,000 66

No. 9.

STATEMENT of State Indebtedness purchased by the Governor, and called in by proclamation and paid for with State Debt Fund, during the fiscal year commencing Dec. 1, 1869, and ending Nov. 30, 1870.

Date.	From whom purchased, description, etc.	Amount.
1869 Dec. 8	J. H. Beveridge, canal interest certif. No. 998, dated July 1, 1847	
1870 Jan'y 20	F. W. Tracy, Cas., Refunded Stock, 1862, No. 292; int. \$15..	\$100 00
1870 Jan'y 27	H. & F. W. Myer, coupons from 5 Internal Improvement Bonds, Nos. 155—159, Jan'y, '42.....	1,015 00
1870 Jan'y 31	Eleazor Barney, Internal Impt. Scrip, 3112 A, \$100; int. \$178 50	79 40
1870 Jan'y 31	E. N. Bates, Tr., Refunded Stock, 1862, No. 475; int. \$15....	278 50
1870 Jan'y 31	E. N. Bates, Tr., Refunded Stock, 1869, Nos. 7, 8, 18—32, 36, 38, 55, 56, 58, 68—73, 77, 90—100, 107, 141, 143, 144, 146, 147, 159, 193, 194, 195, 198—202, 213.....	1,015 00
1870 Feb'y 17	E. N. Bates, Tr., Refunded Stock, 1869, Nos. 59, 60, 61; interest \$1 50.....	56,000 00
1870 March 7	E. N. Bates, Tr., Refunded Stock, 1869, No. 57; interest 50c..	3,001 50
1870 April 8	E. N. Bates, Tr., Refunded Stock, 1862, No. 42.....	1,000 50
1870 April 13	R. I. Cross, Thornton Loan Bond, No. 29; interest \$17 17 ...	1,000 00
1870 April 21	E. N. Bates, Tr., Refunded Stock, 1862, No. 422; interest \$15.	1,017 17
1870 May 27	I. & J. Lockie, New Internal Improvement Stock, (\$159 12) Nos. 1151, 1152, \$318 24; interest \$7 79.....	1,015 00
1870 July 25	F. W. Tracy, Cas., Internal Improvement Scrip, No. 3223 B, \$100; interest \$180 65	326 03
1870 July 25	A. Belmont & Co., Atty's for Rothschild & Sons, arrears of interest on 3152 and 3153, N. I. I. Stock	280 65
1870 Aug. 10	E. N. Bates, Tr., Refunded Stock, 1869, Nos. 47, 80, 81, 108; interest \$2.....	710 40
1870 Aug. 13	E. N. Bates, Tr., Refunded Stock, 1869, Nos. 39 and 40; interest \$1 00	4,002 00
1870 Aug. 19	E. N. Bates, Tr., for Ex'r of Rowand Ronald, N. I. Imp. Stock, No. 5347; interest \$8 17	2,001 00
1870 Aug. 19	E. N. Bates, Tr., for Ex'r of Rowand Ronald, Interest Bond, No. 2311, \$691 76; interest \$5 65	1,008 17
1870 Oct. 21	E. N. Bates, Tr., Refunded Stock, 1869, No. 11; interest 50c..	697 41
1870 Oct. 22	E. N. Bates, Tr., Ex'r for Mary Chew, N. I. I. Stock, Nos. 4346, 4347, 4348, \$159 12 each, amounting to \$477 36; interest \$8 91.....	1,000 50
1870 Oct. 22	E. N. Bates, Tr., for Ex'r of Mary Chew, Interest Bond No. 1894, \$500, No. 1895, \$537 64; interest \$19 38.....	486 27
	Total	1,057 02
		\$77,091 52

STATEMENT of the State Treasurer's Accounts with the different Funds, for 1870.

Dr.	ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.		Cr.
REVENUE FUND.			
To amount in Treasury December 1, 1869.....	\$2, 735 83	By canceled Warrants returned.....	\$2, 167, 089 63
To amount received to December 1, 1870.....	3, 620, 354 85	By balance in Treasury	1, 456, 031 05
	<u>\$3, 623, 090 68</u>		<u>\$3, 623, 090 68</u>
STATE DEBT FUND.			
To amount in Treasury December 1, 1869.....	\$1, 114, 153 67	By canceled Warrants returned.....	\$79, 680 36
To amount received to December 1, 1870.....	781, 873 09	By balance in Treasury.....	1, 316, 316 40
	<u>\$1, 896, 026 76</u>		<u>\$1, 896, 026 76</u>
INTEREST FUND.			
To amount in Treasury December 1, 1869.....	\$235, 904 70	By canceled Warrants returned.....	\$326, 687 40
To amount received to December 1, 1870	412, 772 02	By balance in Treasury.....	321, 989 32
	<u>\$648, 676 72</u>		<u>\$648, 676 72</u>
STATE SCHOOL TAX FUND.			
To amount in Treasury December 1, 1869.....	\$97, 737 82	By canceled Warrants returned.....	\$170, 463 79
To amount received to December 1, 1870.....	152, 542 78	By balance in Treasury.....	79, 816 81
	<u>\$250, 280 60</u>		<u>\$250, 280 60</u>

CENTRAL RAILROAD FUND.

To amount in Treasury December 1, 1869.....	\$296,949 36	By canceled Warrants returned	\$1,000 66
To amount received to December 1, 1870	469,809 12	By balance in Treasury	765,757 82
	<u>\$766,758 48</u>		<u>\$766,758 48</u>

DELINQUENT LAND TAX FUND.

To amount in Treasury December 1, 1869.....	\$331 06	By balance in Treasury	\$331 06
	<u>\$331 06</u>		<u>\$331 06</u>

BROWN COUNTY INTEREST FUND.

To amount in Treasury December 1, 1869.....	\$44 55	By canceled Warrants returned	\$10,653 36
To amount received to December 1, 1870.....	12,451 50	By balance in Treasury	1,842 69
	<u>\$12,496 05</u>		<u>\$12,496 05</u>

CLAY COUNTY INTEREST FUND.

To amount received to December 1, 1870	\$1,800 00	By canceled Warrants returned	\$1,797 85
	<u>\$1,800 00</u>	By balance in Treasury	2 15
			<u>\$1,800 00</u>

HANCOCK COUNTY INTEREST FUND.

To amount in Treasury December 1, 1869.....	\$1,340 04	By canceled Warrants returned	\$10,526 37
To amount received to December 1, 1870.....	9,709 97	By balance in Treasury	523 64
	<u>\$11,050 01</u>		<u>\$11,050 01</u>

Statement—Continued.

HENDERSON COUNTY INTEREST FUND.

To amount in Treasury December 1, 1869.....	\$309 86	By canceled Warrants returned	\$6, 642 40
To amount received to December 1, 1870	6, 574 61	By balance in Treasury	242 07
	<u>\$6, 884 47</u>		<u>\$6, 884 47</u>

MASON COUNTY INTEREST FUND.

To amount received to December 1, 1870	\$12, 197 29	By canceled Warrants returned	\$2, 183 15
	<u>\$12, 197 29</u>	By balance in Treasury	10, 014 14
			<u>\$12, 197 29</u>

MERCER COUNTY INTEREST FUND.

To amount in Treasury December 1, 1869.....	\$171 01	By canceled Warrants returned	\$2, 732 06
To amount received to December 1, 1870	2, 748 42	By balance in Treasury	187 37
	<u>\$2, 919 43</u>		<u>\$2, 919 43</u>

PIKE COUNTY INTEREST FUND.

To amount received to December 1, 1870	\$17, 231 53	By canceled Warrants returned	\$13, 599 37
	<u>\$17, 231 53</u>	By balance in Treasury	3, 632 16
			<u>\$17, 231 53</u>

SANGAMON COUNTY INTEREST FUND.

To amount received to December 1, 1870	\$1, 577 50	By canceled Warrants returned	\$1, 577 50
	<u>\$1, 577 50</u>		<u>\$1, 577 50</u>

SCHUYLER COUNTY INTEREST FUND.

To amount in Treasury December 1, 1869	\$876 13	By canceled Warrants returned.....	\$8,218 60
To amount received to December 1, 1870.....	7,848 92	By balance in Treasury.	506 45
	<u>\$8,725 05</u>		<u>\$8,725 05</u>

WAYNE COUNTY INTEREST FUND.

To amount received to December 1, 1870	\$11,305 22	By canceled Warrants returned.....	\$8,487 05
	<u>\$11,305 22</u>	By balance in Treasury.	7,818 17
			<u>\$11,305 22</u>

JEFFERSON COUNTY INTEREST FUND.

To amount received to December 1, 1870.....	\$8,000 00	By balance in Treasury.....	\$8,000 00
	<u>\$8,000 00</u>		<u>\$8,000 00</u>

BRIMFIELD TOWNSHIP INTEREST FUND.

To amount received to December 1, 1870	\$4,842 55	By canceled Warrants returned.....	\$4,600 00
	<u>\$4,842 55</u>	By balance in Treasury.....	242 55
			<u>\$4,842 55</u>

DANVILLE TOWNSHIP INTEREST FUND.

To amount received to December 1, 1870.....	\$8,207 24	By balance in Treasury.....	\$8,207 24
	<u>\$8,207 24</u>		<u>\$8,207 24</u>

DAYTON TOWNSHIP INTEREST FUND.

To amount received to December 1, 1870.....	\$1,692 28	By canceled Warrants returned	\$1,214 85
	<u>\$1,692 28</u>	By balance in Treasury.	<u>477 43</u>
			\$1,692 28

ELMWOOD TOWNSHIP INTEREST FUND.

To amount received to December 1, 1870.....	\$6,452 24	By canceled Warrants returned	\$6,200 00
	<u>\$6,452 24</u>	By balance in Treasury.	<u>252 24</u>
			\$6,452 24

EVANS TOWNSHIP INTEREST FUND.

To amount received to December 1, 1870....	\$4,254 77	By canceled Warrants returned	\$4,042 57
	<u>\$4,254 77</u>	By balance in Treasury.	<u>212 20</u>
			\$4,254 77

OSAGE TOWNSHIP INTEREST FUND.

To amount received to December 1, 1870	\$2,666 95	By canceled Warrants returned	\$2,022 39
	<u>\$2,666 95</u>	By balance in Treasury.	<u>644 56</u>
			\$2,666 95

OTTAWA TOWNSHIP INTEREST FUND.

To amount received to December 1, 1870	<u>\$16,061 47</u>	By canceled Warrants returned.....	\$14,959 28
	<u>\$16,061 47</u>	By balance in Treasury	1,102 24
			<u>\$16,061 47</u>

SOUTH OTTAWA TOWNSHIP INTEREST FUND.

To amount received to December 1, 1870.....	<u>\$3,182 21</u>	By canceled Warrants returned.....	\$2,930 60
	<u>\$3,182 21</u>	By balance in Treasury	251 61
			<u>\$3,182 21</u>

QUINCY CITY INTEREST FUND.

To amount in Treasury December 1, 1869.....	<u>\$6,527 49</u>	By canceled Warrants returned.....	\$50,121 82
To amount received to December 1, 1870.....	<u>52,166 54</u>	By balance in Treasury	8,572 21
	<u>\$58,694 03</u>		<u>\$58,694 03</u>

WARSAW CITY INTEREST FUND.

To amount in Treasury December 1, 1869.....	<u>\$405 20</u>	By canceled Warrants returned.....	\$1,878 02
To amount received to December 1, 1870.....	<u>2,902 76</u>	By balance in Treasury	1,429 94
	<u>\$3,307 96</u>		<u>\$3,307 96</u>

INCORPORATED TOWN OF BUDA INTEREST FUND.

To amount received to Dec. 1, 1870.....	<u>\$1,500 00</u>	By canceled Warrants returned	* \$1,500 00
	<u>\$1,500 00</u>		<u>\$1,500 00</u>

Statement—Continued.

INCORPORATED TOWN OF WINCHESTER INTEREST FUND.

To amount received to December 1, 1870.....	\$3,000 00	By balance in Treasury.	\$3,000 00
	<u>\$3,000 00</u>		<u>\$3,000 00</u>

RECAPITULATION OF TREASURER'S ACCOUNTS.

Funds.	In the treasury Dec. 1, 1869.	Received during fiscal year end- ing Nov. 30, 1870.	Total.	Funds.	Warrants can- celed during fiscal year end- ing Nov. 30, 1870.	Balance in the treasury.	Total.
Revenue.....	\$2735 83	\$3, 620, 354 85	\$3, 623, 090 68	Revenue	\$2, 167, 059 63	\$1, 456, 031 05	\$3, 623, 090 68
State Debt.....	1, 114, 153 67	781, 873 09	1, 896, 026 76	State Debt	79, 680 86	1, 816, 346 40	1, 896, 026 76
Interest.....	235, 904 70	412, 772 02	648, 676 72	Interest	326, 687 40	321, 939 32	648, 676 72
State School Tax.....	97, 737 82	152, 542 78	250, 280 60	State School Tax	170, 463 79	79, 816 81	250, 280 60
Central Railroad.....	296, 949 36	469, 809 12	766, 758 48	Central Railroad.....	1000 66	765, 757 82	766, 758 48
Delinquent Land Tax.....	331 06	.....	331 06	Delinquent Land Tax.....	.....	331 06	331 06
Brown County Interest.....	44 55	12, 451 50	12, 496 05	Brown County Interest.....	10, 653 86	1842 69	12, 496 05
Clay County Interest.....	.....	1800 00	1800 00	Clay County Interest.....	1797 85	2 15	1800 00
Hancock County Interest.....	1340 04	9709 97	11, 050 01	Hancock County Int.....	10, 526 37	523 64	11, 050 01
Henderson County Int ..	309 86	6574 61	6884 47	Henderson County Int ..	6642 40	242 07	6884 47
Mason County Interest ..	.....	12, 197 29	12, 197 29	Mason County Interest ..	2183 15	10, 014 14	12, 197 29
Mercer County Interest ..	171 01	2748 42	2919 43	Mercer County Interest ..	2732 06	187 37	2919 43
Pike County Interest .....	.....	17, 231 53	17, 231 53	Pike County Interest	13, 599 37	3632 16	17, 231 53
Sangamon County Int .....	.....	1577 50	1577 50	Sangamon County Int	1577 50	.....	1577 50
Schuyler County Interest ..	876 13	7841 92	8725 05	Schuyler County Int.....	8218 60	506 45	8725 05
Wayne County Interest .....	.....	11, 305 22	11, 305 22	Wayne County Interest ..	3487 05	7818 17	11, 305 22
Jefferson County Interest.....	.....	8000 00	8000 00	Jefferson County Interest.....	.....	8000 00	8000 00
Brimfield Township Int ..	.....	4842 55	4842 55	Brimfield Township Int ..	.....	242 55	4842 55
Danville Township Int .....	.....	8207 24	8207 24	Danville Township Int	4600 00	8207 24	8207 24
Dayton Township Int .....	.....	1692 28	1692 28	Dayton Township Int	1214 85	477 43	1692 28
Elmwood Township Int .....	.....	6452 24	6452 24	Elmwood Township Int	6200 00	252 24	6452 24
Evans Township Interest ..	.....	4254 77	4254 77	Evans Township Interest ..	4042 57	212 20	4254 77
Osage Township Interest ..	.....	2666 95	2666 95	Osage Township Interest ..	2022 39	644 56	2666 95
Ottawa Township Int .....	.....	16, 061 47	16, 061 47	Ottawa Township Int	14, 959 23	1102 24	16, 061 47
S. Ottawa Township Int ..	.....	3182 21	3182 21	S. Ottawa Township Int ..	2930 60	251 61	3182 21
Quincy City Interest	6527 49	52, 166 54	58, 694 03	Quincy City Interest	50, 121 82	8572 21	58, 694 03
Warsaw City Interest	405 20	2902 76	3307 96	Warsaw City Interest	1878 02	1429 94	3307 96
Inc. Town of Buda Int .....	.....	1500 00	1500 00	Inc. Town of Buda Int	1500 00	.....	1500 00
Inc. Town Winchester Int ..	.....	3000 00	3000 00	Inc. Town Winchester Int ..	.....	3000 00	3000 00
	\$1, 757, 486 72	\$5, 635, 725 83	\$7, 393, 212 55		\$2, 895, 779 03	\$4, 497, 433 52	\$7, 393, 212 55

No. 11.

Statement of the aggregate amount of State taxes charged, the amount of abatements, commissions, etc., deducted, the amount collected, the amount paid over by collectors, and the amount remaining unpaid in each county, for the year 1869.

Counties.	Amount charged.	Abatements, commissions, etc.	Net amount collected.	Amount paid.	Amount due.
City of Quincy.....	\$68,567 92	\$3990 79	\$64,577 13	\$64,577 13	.....
Adams.....	86,709 22	4208 06	82,501 16	82,501 16	.....
Alexander.....	23,559 41	14,983 19	8576 22	8576 22	.....
Bond.....	30,247 25	1860 50	28,386 75	28,386 75	.....
Boone.....	30,921 16	1789 57	29,131 59	29,131 59	.....
Brown.....	22,731 59	1640 52	21,091 07	21,091 07	.....
Bureau.....	93,158 96	4583 94	88,575 02	88,575 02	.....
Calhoun.....	9359 47	413 11	8946 36	8946 36	.....
Carroll.....	40,286 48	1975 88	38,310 60	38,310 60	.....
Cass.....	30,733 04	1127 27	29,605 77	29,605 77	.....
Champaign.....	73,601 88	4579 47	69,022 41	69,022 41	.....
Christian.....	55,590 98	2870 24	52,720 74	52,720 74	.....
Clark.....	34,452 78	1874 41	32,578 37	32,578 37	.....
Clay.....	28,969 73	1729 22	27,240 51	27,240 51	.....
Clinton.....	48,203 40	3552 12	39,651 28	39,651 28	.....
Coles.....	61,987 70	5175 74	56,811 96	56,811 96	.....
Cook.....	1,224,775 75	.....	.....	825,334 86	\$399,440 89
Crawford.....	25,706 34	3148 07	22,558 27	22,558 27	.....
Cumberland.....	21,252 25	4074 02	17,178 23	17,178 23	.....
DeKalb.....	61,801 34	3182 22	58,619 12	58,619 12	.....
DeWitt.....	35,287 14	2306 42	32,980 72	32,980 72	.....
Douglas.....	31,686 90	1775 03	29,911 87	29,911 87	.....
DuPage.....	44,629 40	6886 72	37,742 68	37,742 68	.....
Edgar.....	61,814 33	6342 43	55,471 90	55,471 90	.....
Edwards.....	17,010 73	669 86	16,340 87	16,340 87	.....
Effingham.....	27,627 07	4887 25	22,739 82	22,739 82	.....
Fayette.....	40,019 00	3926 87	36,092 13	36,092 13	.....
Ford.....	24,103 56	1677 95	22,425 61	22,425 61	.....
Franklin.....	17,900 62	1121 55	16,779 07	16,288 65	490 42
Fulton.....	91,081 77	4714 46	86,367 31	86,367 31	.....
Gallatin.....	14,886 17	921 16	13,965 01	13,965 01	.....
Greene.....	52,235 06	2019 85	50,215 21	50,215 21	.....
Grundy.....	44,241 01	2250 56	41,990 45	41,990 45	.....
Hamilton.....	17,742 40	.....	.....	15,719 61	2022 79
Hancock.....	79,412 27	4687 90	74,724 37	74,724 37	.....
Hardin.....	5982 77	430 61	5552 16	4775 87	776 29
Henderson.....	34,413 15	1617 29	32,795 86	32,795 86	.....
Henry.....	86,957 75	4668 47	82,289 28	82,289 28	.....
Iroquois.....	67,757 17	4037 25	63,719 92	63,719 92	.....
Jackson.....	38,864 18	9175 88	29,688 30	29,688 30	.....
Jasper.....	21,565 74	3384 99	18,180 75	18,180 75	.....
Jefferson.....	39,977 17	.....	.....	26,760 15	13,217 02
Jersey.....	39,751 97	2509 07	37,242 90	37,242 90	.....
Jo Daviess.....	45,516 67	3275 01	42,241 66	42,241 66	.....
Johnson.....	14,854 65	1372 37	13,482 28	13,482 28	.....
Kane.....	102,263 23	4693 82	97,569 41	97,569 41	.....
Kankakee.....	46,736 97	2838 96	43,898 01	43,898 01	.....
Kendall.....	33,474 98	1633 85	31,841 13	31,841 13	.....
Knox.....	105,601 48	5098 64	100,502 84	100,502 84	.....
Lake.....	38,232 28	1737 52	36,494 76	36,494 85	.....
LaSalle.....	158,053 89	10,962 71	147,091 18	147,091 18	.....
Lawrence.....	29,437 92	6218 31	23,219 61	23,219 61	.....
Lee.....	63,666 52	3224 74	60,441 78	60,441 78	.....
Livingston.....	81,959 16	5542 83	76,416 33	71,430 21	4986 12

Statement—Continued.

Counties.	Amount charged.	Abatements, commissions, etc.	Net amount collected.	Amount paid.	Amount due.
Logan.....	\$66,203 82	\$3,568 54	\$62,635 28	\$62,635 28	.....
Macon.....	64,814 67	3,577 27	61,237 40	61,237 40	.....
Macoupin.....	94,418 61	8,386 56	86,032 05	86,032 05	.....
Madison.....	129,710 03	13,898 51	115,811 52	104,564 46	\$11,247 06
Marion.....	48,941 78	7,450 73	44,491 05	41,491 05	.....
Marshall.....	39,905 36	2,231 73	37,673 63	37,673 63	.....
Mason.....	49,826 57	10,378 03	39,448 54	39,448 54	.....
Massac.....	13,250 98	1,267 04	11,983 94	11,983 94	.....
McDonough.....	68,023 76	3,801 06	64,222 70	64,222 70	.....
McHenry.....	62,677 52	2,982 30	59,695 22	59,695 22	.....
McLean.....	141,711 34	6,710 85	135,000 49	135,000 49	.....
Menard.....	28,970 04	1,196 15	27,773 89	27,773 89	.....
Mercer.....	53,922 47	2,617 97	51,304 50	51,304 50	.....
Monroe.....	33,140 15	9,167 10	23,973 05	23,973 05	.....
Montgomery.....	57,315 16	2,810 81	54,504 35	54,504 35	.....
Morgan.....	92,665 96	4,096 24	88,568 72	88,568 72	.....
Moultrie.....	24,817 68	3,379 38	21,438 30	21,438 30	.....
Ogle.....	77,205 32	4,064 22	73,141 10	73,141 10	.....
Peoria.....	117,229 41	5,507 55	111,721 86	111,721 86	.....
Perry.....	23,916 36	2,068 13	21,848 23	21,848 23	.....
Piatt.....	35,263 90	2,092 76	33,171 14	33,171 14	.....
Pike.....	75,471 00	4,017 32	71,453 68	71,453 68	.....
Pope.....	16,207 12	1,677 66	14,530 16	14,530 16	.....
Pulaski.....	11,230 86	4,351 57	6,879 29	5,289 41	1,589 88
Putnam.....	14,822 14	816 47	14,005 67	14,005 67	.....
Randolph.....	51,339 49	19,018 15	32,321 34	32,321 34	.....
Richard.....	29,980 24	1,787 17	28,193 07	28,193 07	.....
Rock Island.....	60,087 38	3,404 33	56,683 05	56,683 05	.....
Saline.....	15,810 37	1,031 36	14,779 01	14,779 01	.....
Sangamon.....	157,868 46	8,152 21	149,716 25	149,716 25	.....
Schuyler.....	35,151 16	1,954 64	33,196 52	33,196 52	.....
Scott.....	19,223 18	758 01	18,465 17	17,347 62	1,117 55
Shelby.....	62,920 00	4,595 54	58,324 46	58,324 46	.....
Stark.....	25 832 49	1,440 59	24,391 90	24,391 90	.....
St. Clair.....	126,328 19	32,655 56	93,672 63	93,672 63	.....
Stephenson.....	69,761 26	3,671 46	66,089 80	66,089 80	.....
Tazewell.....	62,869 34	3,232 84	59,636 50	59,636 50	.....
Union.....	25,549 91	1,492 52	24,057 39	24,057 39	.....
Vermilion.....	85,988 12	4,677 81	81,310 31	81,310 31	.....
Wabash.....	15,497 69	601 29	14,896 40	14,896 40	.....
Warren.....	59,779 17	3,388 74	56,390 43	56,390 43	.....
Washington.....	39,161 72	3,152 90	36,008 82	36,008 82	.....
Wayne.....	31,246 72	5,687 26	25,559 46	25,559 46	.....
White.....	26,949 19	1,350 46	25,598 73	25,598 73	.....
Whiteside.....	70,831 22	3,365 44	67,465 78	57,465 78	.....
Will.....	92,677 30	4,401 06	88,276 33	88,276 33	.....
Williamson.....	19,970 76	4,552 48	15,418 28	15,418 28	.....
Winnebago.....	83,505 59	4,078 16	79,427 43	79,427 43	.....
Woodford.....	45,854 85	2,545 51	43,309 34	43,309 34	.....
Totals.....	\$6,483,008 33	\$421,481 11	\$4,779,031 90	\$5,626,639 20	\$434,888 02

No. 12.

Statement of School Fund Tax levied in the year 1869, showing the aggregate amount charged, the amount deducted for abatements, commissions, etc., the net amount collected, the amount paid to each county, etc.

Counties.	Amount charged.	Amount of abatements, commissions etc.	Net amount.	Am't paid county.	Amount received from county over the amount paid.	Amount paid county over amount received.
Adams.....	\$23,888 80	\$1034 70	\$22,854 10	\$18,598 75	\$4255 35	.....
Alexander.....	3624 52	164 83	3459 69	3583 13	.....	\$123 44
Bond.....	4653 42	235 26	4418 16	5425 25	.....	1007 09
Boone.....	4757 12	226 21	4530 91	4629 02	.....	98 11
Brown.....	3497 16	216 06	3281 10	5328 35	.....	2047 25
Bureau.....	14,332 14	570 60	13,761 54	13,535 70	225 84	.....
Calhoun.....	1439 92	39 97	1399 95	3172 65	.....	1272 20
Carroll.....	6197 92	241 02	5956 90	6641 25	.....	634 35
Cass.....	4728 16	121 34	4606 82	5429 58	.....	822 76
Champaign.....	11,323 38	598 83	10,724 55	11,241 60	.....	517 05
Christian.....	8552 44	369 92	8182 52	8928 93	.....	746 41
Clark.....	5300 42	233 44	5066 98	7925 27	.....	2858 29
Clay.....	4456 90	217 30	4239 60	6615 72	.....	2376 12
Clinton.....	7415 90	1249 77	6166 13	6395 06	.....	228 93
Coles.....	9530 58	704 66	8831 92	9460 51	.....	628 59
Cook.....	188,427 04	13,000 00	175,427 04	60,617 65	114,809 39	.....
Crawford.....	3954 82	440 78	3514 04	6384 01	.....	2869 97
Cumberland.....	3269 58	591 35	2678 23	5161 67	.....	2433 44
DeKalb.....	9507 90	399 47	9108 43	9329 06	.....	220 63
DeWitt.....	5428 80	296 99	5131 81	5909 95	.....	778 14
Douglas.....	4874 90	222 04	4652 86	5616 75	.....	963 89
DuPage.....	7374 57	1501 75	5872 82	5927 15	.....	54 33
Edgar.....	9509 90	885 58	8624 32	9592 68	.....	968 36
Edwards.....	2617 04	64 01	2553 03	3135 25	.....	582 22
Effingham.....	4250 32	707 64	3542 68	6465 45	.....	2922 77
Fayette.....	6156 76	537 18	5619 58	8779 85	.....	3160 27
Ford.....	3708 24	187 31	3520 93	3628 97	.....	108 04
Franklin.....	2753 94	137 10	2616 84	5964 55	.....	3347 71
Fulton.....	14,012 58	596 89	13,415 69	15,365 69	.....	1950 00
Gallatin.....	2833 72	113 14	2720 58	4266 86	.....	1546 28
Greene.....	8036 18	232 58	7803 60	7986 60	.....	183 00
Grundy.....	6806 32	272 79	6533 53	5891 36	642 17	.....
Hamilton.....	2729 60	110 00	2619 60	5392 66	.....	2773 06
Hancock.....	12,217 28	602 75	11,614 53	13,862 43	.....	2247 90
Hardin.....	920 42	44 88	875 54	2096 81	.....	1221 27
Henderson.....	5294 34	191 22	5103 12	5336 10	.....	232 98
Henry.....	13,378 12	591 44	12,786 68	11,913 41	873 27	.....
Iroquois.....	10,424 18	517 78	9906 40	11,262 56	.....	1356 16
Jackson.....	5979 10	1359 60	4619 50	7610 02	.....	2990 52
Jasper.....	3317 82	481 81	2836 01	5881 86	.....	3045 85
Jefferson.....	4763 72	350 00	4413 72	7916 75	.....	3508 03
Jersey.....	6115 70	322 66	5793 04	5626 50	166 54	.....
JoDavies.....	7002 56	435 90	6566 66	10,978 13	.....	4411 47
Johnson.....	2285 34	179 17	2106 17	5504 35	.....	3391 18
Kane.....	15,732 80	572 79	15,160 01	11,202 17	3957 84	.....
Kankakee.....	7190 80	364 25	6826 05	9197 25	.....	2371 20
Kendall.....	5149 98	200 24	4949 74	5129 54	.....	179 80
Knox.....	16,246 38	633 63	15,612 75	13,233 95	2378 80	.....
Lake.....	5881 88	214 40	5667 48	7584 24	.....	1916 76
LaSalle.....	24,315 98	1248 10	23,066 88	21,803 73	1263 14	.....

Statement—Continued.

Counties.	Amount charged.	Amount of abatements, commissions etc.	Net amount.	Am't paid county.	Am't rec'd from co'y over am't paid.	Am't paid co'ty over am't rec'd.
Lawrence	\$4187 82	\$421 87	\$3715 95	\$5126 88	.....	\$1410 98
Lee	9794 84	402 16	9392 68	10,218 33	.....	895 65
Livingston	12,609 10	737 24	11,871 86	10,530 89	\$1340 97	.....
Logan	10,185 22	452 09	9733 13	8730 21	1002 92	.....
Macon	9971 48	451 94	9519 54	9425 41	94 13	.....
Macoupin	14,525 94	1163 09	13,362 85	13,974 10	.....	611 25
Madison	19,955 38	1979 51	17,975 87	14,996 90	2978 97	.....
Marion	7529 50	1078 50	6451 00	8699 19	.....	2248 19
Marshall	6139 26	257 22	5882 04	6830 89	.....	948 85
Mason	7665 64	407 64	7258 00	6145 60	1112 40	.....
Massac	2038 62	164 05	1874 57	3748 74	.....	1874 17
McDonough	10,465 20	512 78	9952 42	10,490 57	.....	538 15
McHenry	9642 68	366 16	9276 52	9552 49	.....	275 97
McLean	21,801 74	837 38	20,964 36	17,213 58	3750 78	.....
Menard	4456 92	133 34	4323 58	4698 91	.....	375 33
Mercer	8295 76	322 27	7973 49	7954 87	18 62	.....
Monroe	5098 48	1364 22	3734 26	5193 40	.....	1459 14
Montgomery	8817 72	344 23	8473 49	9535 10	.....	1061 61
Morgan	14,256 30	501 39	13,754 91	10,299 28	3455 63	.....
Moultrie	3818 12	476 70	3341 42	4304 72	.....	963 30
Ogle	11,877 74	515 56	11,362 18	10,924 71	437 47	.....
Peoria	18,035 28	684 68	17,350 60	15,030 24	2320 36	.....
Piatt	3679 44	274 73	3404 71	5771 81	.....	2367 10
Pike	5425 22	260 70	5164 52	4771 79	392 73	.....
Pope	11,610 92	506 88	11,104 04	13,189 98	.....	2085 94
Pulaski	2449 38	225 96	2223 42	5472 00	.....	3248 58
Putnam	1727 82	417 12	1310 70	2570 55	.....	1259 85
Randolph	80 32	103 59	2176 73	2661 45	.....	484 72
Richland	7898 38	1664 75	6233 63	8274 67	.....	2041 04
Rock Island	4612 34	220 64	4391 70	5515 37	.....	1124 67
Saline	9244 22	435 92	8808 30	10,275 71	.....	1467 41
Sangamon	2432 36	127 60	2304 76	5686 99	.....	3382 23
Schuyler	24,287 46	1040 11	23,247 35	16,015 56	7231 79	.....
Scott	5407 86	249 88	5157 98	7026 13	.....	1868 15
Shelby	2957 42	82 03	2875 39	4024 58	.....	1149 19
Stark	9680 00	611 77	9068 23	10,073 46	.....	1005 23
St. Clair	3974 22	184 30	3789 92	4389 44	.....	599 52
Stephenson	19,435 12	2130 29	17,304 83	15,859 26	1445 57	.....
Tazewell	10,732 52	463 88	10,268 64	11,556 31	.....	1287 67
Union	9672 22	407 61	9264 61	10,387 87	.....	1123 26
Vermilion	3930 76	180 31	3750 45	6968 58	.....	3218 13
Wabash	13,228 94	590 00	12,638 94	12,996 80	.....	357 86
Warren	2384 26	60 00	2324 26	3347 27	.....	1023 01
Washington	9180 14	412 56	8767 58	8851 91	.....	84 33
Wayne	6024 88	422 08	5602 80	7872 53	.....	2269 73
White	4807 18	264 92	4542 26	8450 61	.....	3908 35
Whiteside	4146 02	156 84	3989 18	7055 98	.....	3066 80
Will	10,897 10	414 67	10,482 43	10,196 63	285 80	.....
Williamson	14,258 06	543 33	13,714 73	14,620 57	.....	905 84
Winnebago	3072 44	668 02	2404 42	6800 94	.....	4396 52
Woodford	12,147 02	505 19	12,341 83	9315 87	3025 96	.....
Totals	7054 60	328 86	6725 74	7907 63	.....	1181 89
Totals	\$996,630 25	\$62,360 69	\$934,269 56	\$900,000 00	\$157,466 44	\$123,196 88

NOTE.—Abatements estimated for the counties of Cook, Hamilton and Jefferson.

No. 13.

Statement showing the amount of interest on School Fund, and the amount of School Tax Fund distributed to the several counties in the State, for the year 1869.

COUNTIES.	Interest.	Tax.	Total.
Adams	\$1,127 59	\$18,598 75	\$19,726 34
Alexander	217 24	3,583 13	3,800 37
Bond	328 92	5,425 25	5,754 17
Boone	280 65	4,629 02	4,909 67
Brown	323 05	5,328 35	5,651 40
Bureau	820 64	13,535 70	14,356 34
Calhoun	192 35	3,172 65	3,365 00
Carroll	402 65	6,641 25	7,043 90
Cass	329 19	5,429 58	5,758 77
Champaign	681 55	11,241 60	11,923 15
Christian	541 33	8,928 93	9,470 26
Clark	480 49	7,925 27	8,405 76
Clay	401 10	6,615 72	7,016 82
Clinton	387 72	6,395 06	6,782 78
Coles	573 56	9,460 51	10,034 07
Cook	3,675 05	60,617 65	64,292 70
Crawford	387 05	6,384 01	6,771 06
Cumberland	312 95	5,161 67	5,474 62
DeKalb	565 60	9,329 06	9,894 66
DeWitt	358 31	5,909 95	6,268 26
Douglas	340 53	5,616 75	5,957 28
DuPage	359 35	5,927 15	6,286 50
Edgar	581 58	9,592 68	10,174 26
Edwards	190 09	3,135 25	3,325 34
Effingham	392 00	6,465 45	6,857 45
Fayette	532 30	8,779 85	9,312 15
Ford	220 02	3,628 97	3,848 99
Franklin	361 62	5,964 55	6,326 17
Fulton	931 58	15,365 69	16,297 27
Gallatin	258 70	4,266 86	4,525 56
Greene	484 21	7,986 60	8,470 81
Grundy	357 19	5,891 36	6,248 55
Hamilton	326 95	5,392 66	5,719 61
Hancock	840 44	13,862 43	14,702 87
Hardin	127 14	2,096 81	2,223 95
Henderson	323 52	5,336 10	5,659 62
Henry	722 28	11,913 41	12,635 69
Iroquois	682 82	11,262 56	11,945 38
Jackson	461 38	7,610 02	8,071 40
Jasper	356 61	5,881 86	6,238 47
Jefferson	479 98	7,916 75	8,396 73
Jersey	341 12	5,626 50	5,967 62
Jo Daviess	665 58	10,978 13	11,643 71
Johnson	333 72	5,504 35	5,838 07
Kane	679 16	11,202 17	11,881 33
Kankakee	557 61	9,197 25	9,754 86
Kendall	310 99	5,129 54	5,440 53
Knox	802 33	13,233 95	14,036 28
Lake	459 82	7,584 24	8,044 06
LaSalle	1,321 89	21,803 74	23,125 63
Lawrence	310 83	5,126 88	5,437 71
Lee	619 51	10,218 33	10,837 84
Livingston	638 47	10,530 89	11,169 36
Logan	529 29	8,730 21	9,259 50

Statement—Continued.

Counties.	Interest.	Tax.	Total.
Macon	\$571 44	\$9,425 41	\$9,996 85
Macoupin	847 21	13,974 10	14,821 31
Madison	909 22	14,996 90	15,906 12
Marion	527 41	8,699 19	9,226 60
Marshall	414 14	6,830 89	7,245 03
Mason	372 60	6,145 60	6,518 20
Massac	227 28	3,748 74	3,976 03
McDonough	636 02	10,490 57	11,126 59
McHenry	579 14	9,552 49	10,131 63
McLean	1,043 62	17,213 58	18,257 20
Menard	284 89	4,698 91	4,983 80
Mercer	482 28	7,954 87	8,437 15
Monroe	314 87	5,193 40	5,508 27
Montgomery	578 10	9,535 10	10,113 20
Morgan	624 43	10,299 28	10,923 71
Moultrie	260 99	4,304 72	4,565 71
Ogle	662 33	10,924 71	11,587 04
Peoria	911 24	15,030 24	15,941 48
Perry	349 93	5,771 81	6,121 74
Piatt	289 30	4,771 79	5,061 09
Pike	799 67	13,189 98	13,989 65
Pope	331 75	5,472 00	5,803 75
Pulaski	155 86	2,570 55	2,726 41
Putnam	161 86	2,661 45	2,822 31
Randolph	501 67	8,274 67	8,776 34
Richland	334 39	5,515 37	5,849 76
Rock Island	622 99	10,275 71	10,898 70
Saline	344 79	5,686 99	6,031 78
Sangamon	970 98	16,015 56	16,986 54
Schuyler	425 98	7,026 13	7,452 11
Scott	244 00	4,024 58	4,268 58
Shelby	610 73	10,073 46	10,684 19
Stark	266 13	4,389 44	4,655 57
St. Clair	961 50	15,859 26	16,820 76
Stephenson	700 63	11,556 31	12,256 94
Tazewell	629 79	10,387 87	11,017 66
Union	422 49	6,968 58	7,391 07
Vermilion	787 97	12,996 80	13,784 77
Wabash	202 94	3,347 27	3,550 21
Warren	536 67	8,851 91	9,388 58
Washington	477 30	7,872 53	8,349 83
Wayne	512 34	8,450 61	8,962 95
White	427 79	7,055 98	7,483 77
Whiteside	618 20	10,196 63	10,814 83
Will	886 41	14,620 57	15,506 98
Williamson	412 33	6,800 94	7,213 27
Winnebago	564 80	9,315 87	9,880 67
Woodford	479 43	7,907 63	8,387 06
Totals	\$54,564 93	\$900,000 00	\$954,564 93

County.	By whom issued.	Railroad Aided.	Rate of Int.	Amount Registered		Total.
				Under act 1869.	Under act 1865.	
Adams	County of Adams	Quincy, Alton & St. Louis	6	.....	\$20,000	\$20,000
"	"	Quincy & Warsaw	6	*\$200,000	.....	200,000
"	City of Quincy	Northern Cross	6	*160,000	.....	160,000
"	"	Quincy and Palmyra	6	*15,500	.....	15,500
"	"	N. C—Q. & R—C. B & Q—and other purposes.	6	.....	943,600	943,600
Brown	Township of Keene	Quincy and Warsaw	10	10,000	.....	10,000
Bond	County of Brown	Northern Cross	6	*25,000	.....	100,700
Bureau	" Bond	St. Louis, Vandalia & Terre Haute	10	41,200	.....	41,200
Clay	Incorporated town of Buda	Dixon, Peoria & Hannibal	10	15,000	.....	15,000
"	County of Clay	Illinois Southeastern	7	99,900	.....	99,900
"	Township of Harter	same	10	20,000	.....	20,000
Champaign	" Urbana	Danville, Urbana, Bloomington & Pekin	10	16,000	.....	16,000
"	" West Urbana	same	10	67,000	.....	67,000
Cass	City of Beardstown	Rockford, Rock Island & Alton	7	3,500	.....	3,500
"	"	Rockford, Rock Island & St. Louis	10	44,300	.....	44,300
Clark	Inc. town of Arenzville	same	10	4,000	.....	4,000
Christian	County of Clark	St. Louis, Vandalia & Terre Haute	8	69,915	.....	69,915
"	" Christian	Springfield & Illinois Southeastern	8	20,000	.....	20,000
"	"	Decatur & East St. Louis	8	50,000	.....	50,000
"	Township of Johnson	same	8	10,000	.....	10,000
"	" May	same	8	5,000	.....	5,000
"	" King	same	8	5,000	.....	5,000
"	" Bear Creek	same	8	10,000	.....	10,000
"	" Stonington	same	8	5,000	.....	5,000
"	" Ricks	same	8	10,000	.....	10,000
"	" Taylorville	same	8	20,000	.....	20,000
"	"	Springfield & Illinois Southeastern	10	5,000	.....	5,000
"	" Pana	same	10	5,000	.....	5,000
"	" Locust	same	10	1,000	.....	1,000
"	" Buckhart	same	10	2,000	.....	2,000

DeWitt.....	Township of Santa Anna.....	Danville, Urbana, Bloomington & Pekin.....	10	2,000	2,000
Edgiam.....	" Mason.....	Illinois Southeastern.....	10	10,000	10,000
".....	" Douglas.....	St. Louis, Vandalia and Terre Haute.....	10	50,000	50,000
".....	" Summit.....	same.....	10	10,000	10,000
".....	" Moccasin.....	same.....	10	5,000	5,000
".....	" Teutopolis.....	same.....	10	15,000	15,000
".....	Inc. town of Edgewood.....	Illinois Southeastern.....	10	10,000	10,000
Fulton.....	Township of Pleasant.....	Peoria & Hannibal.....	10	15,000	15,000
".....	" Vermont.....	same.....	10	30,000	30,000
".....	" ".....	Rockford, Rock Island & St. Louis.....	10	24,000	24,000
".....	" Woodland.....	same.....	10	15,000	15,000
".....	" Farmers.....	same.....	10	35,000	35,000
".....	" Astoria.....	same.....	10	50,000	50,000
".....	Inc. town of Astoria.....	same.....	10	10,000	10,000
Bayette.....	Township of Vandalia.....	St. Louis, Vandalia & Terre Haute.....	10	40,000	40,000
Gallatin.....	County of Gallatin.....	Illinois Southeastern.....	8	175,000	175,000
Greene.....	" Greene.....	Jacksonville, Alton & St. Louis.....	6	2,000	2,000
".....	" ".....	Rockford, Rock Island & St. Louis.....	8	50,000	50,000
".....	Inc. town of Greenfield.....	same.....	8	4,000	4,000
".....	" White Hall.....	same.....	10	10,000	10,000
Hancock.....	County of Hancock.....	Mississippi & Wabash and Warsaw & Rockford.....	6	\$180,500	180,500
".....	City of Warsaw.....	same.....	6	38,600	38,600
".....	Inc. town of Carhage.....	Quincy & Warsaw.....	10	10,000	10,000
".....	Township of St. Albans.....	same.....	10	20,000	20,000
".....	" Bear Creek.....	same.....	10	20,000	20,000
Henderson.....	County of Henderson.....	Warsaw & Rockford.....	6	71,000	71,000
Henry.....	Township of Western.....	Rockford, Rock Island & St. Louis.....	8	20,000	20,000
Jefferson.....	County of Jefferson.....	Mt. Vernon.....	8	100,000	100,000
Jersey and Macoupin.....	Inc. town of Brighton.....	Rockford, Rock Island & St. Louis.....	8	25,000	25,000
Kendall.....	County of Kendall.....	Ottawa, Oswego & Fox River Valley.....	10	47,000	47,000
".....	Township of Fox.....	same.....	10	14,000	14,000
".....	" Kendall.....	same.....	10	22,000	22,000
Kankakee.....	" Gander.....	Chicago, Danville & Vincennes.....	10	24,000	24,000
".....	" Monence.....	same.....	10	24,000	24,000
".....	" Yellowhead.....	same.....	10	18,000	18,000
Kane.....	" Aurora.....	Ottawa, Oswego & Fox River Valley.....	10	60,000	60,000
".....	" ".....	Chicago & Iowa.....	10	100,000	100,000
Knox.....	" Rio.....	Rockford, Rock Island & St. Louis.....	8	30,000	30,000
LaSalle.....	" Osage.....	Ottawa, Oswego & Fox River Valley.....	10	20,000	20,000
".....	" South Ottawa.....	same.....	10	30,000	30,000

Statement—Continued.

County.	By whom issued.	Railroad Aided.	Rate of Int.	Amount Registered.		
				Under act 1869.	Under act 1865.	Total.
LaSalle.	Township of Ottawa.....	Ottawa, Oswego & Fox River Valley	10	\$150,000	.....	\$150,000
"	" Dayton	same	10	12,000	.....	12,000
"	" Bruce	same	10	13,000	.....	13,000
Livingston	" Dwight	St. Louis, Jacksonville & Chicago	10	15,000	.....	15,000
Mercer.	County of Mercer	Western Air Line	6	.....	\$44,000	44,000
"	Township of Millersburg.....	American Central	10	5,000	.....	5,000
"	" Eliza	same	10	5,000	.....	5,000
"	" New Boston	same	10	10,000	.....	10,000
"	Inc. town of New Boston	same	7	10,000	.....	10,000
Marshall	Township of Evans	Ottawa, Oswego & Fox River Valley	10	40,000	.....	40,000
Mason	County of Mason	Illinois River	8	27,000	.....	27,000
McLean	City of Bloomington.....	St. Louis, Jacksonville & Chicago	8	31,000	.....	31,000
"	Township of Bloomington	same	8	31,000	.....	31,000
"	" "	Danville, Urbana, Bloomington & Pekin	10	56,500	.....	56,500
"	" Downs	same	10	6,000	.....	6,000
"	" Empire	same	10	42,000	.....	42,000
"	" Danvers	same	10	22,000	.....	22,000
"	" West	Indianapolis, Bloomington & Western	10	6,500	.....	6,500
"	" Allin	St. Louis, Jacksonville & Chicago	8	20,500	.....	20,500
McDonough	County of McDonough.....	Northern Cross.....	8	64,000	.....	64,000
"	Township of Mound	Rockford, Rock Island & St. Louis.....	10	40,000	.....	40,000
"	" New Salem	same	10	50,000	.....	50,000
"	" Bushnell.....	same	10	50,000	.....	50,000
"	" Walnut Grove.....	same	10	15,000	.....	15,000
"	" Eldorado.....	same	10	6,000	.....	6,000
Morgan	City of Jacksonville.....	Pekin, Peoria & Jacksonville.....	10	23,000	.....	23,000
"	Town. 16 N., R. 10 W., 3 P.M.	Illinois Farmers	10	50,000	.....	50,000
"	" 14 N., R. 9 W., 3 P.M.	same	10	32,000	.....	32,000
Menard	County of Menard	Tonica & Petersburg.....	10	9,000	.....	9,000
Madison	Inc. town of Edwardsville	Decatur & East St. Louis	8	25,000	.....	25,000

Macon.....	County of Macon.....	Decatur & East St. Louis..	100,000	100,000
Montgomery..	“ Montgomery ..	same	50,000	50,000
City of Litchfield ..	City of Litchfield ..	same	50,000	50,000
Pike.....	County of Pike.....	Hannibal & Naples.....	112,000	112,000
“	“	Louisiana & Pike County..	100,000	100,000
“	“	same	19,758	19,758
Township of Pittsfield ..	“ Newburg ..	same	12,242	12,242
“	“ Blue Ridge..	Danville, Urbana, Bloomington & Pekin.	31,900	31,900
“	“ Brimfield ..	Dixon, Peoria & Hannibal.....	75,000	75,000
“	“ Elmwood.....	same	75,000	75,000
City of Peoria.....	City of Peoria.....	Peoria & Rock Island	21,000	21,000
Township of Rock Island..	Township of Rock Island..	Rockford, Rock Island & St. Louis.	50,000	50,000
“	“ Moline	same	50,000	50,000
“	“ Canoe Creek..	same	3,000	3,000
Schuyler.....	County of Schuyler.....	Rock Island & Alton.....	23,000	23,000
“	“	same	14,000	14,000
“	“	Peoria & Hannibal.....	73,000	73,000
“	Township of Browning.....	Rockford, Rock Island & St. Louis.	20,000	20,000
“	“ Frederick.....	same	5,000	5,000
“	“	same	5,000	5,000
Sangamon.....	County of Sangamon.....	Springfield & Illinois Southeastern	50,000	50,000
“	Township of Springfield.....	same	30,000	30,000
“	City of Springfield ..	Springfield, Pana & Northwestern	37,000	37,000
Stark.....	Township of Osceola.....	Dixon, Peoria & Hannibal	60,000	60,000
“	“ Penn	same	50,000	50,000
“	“ Essex	same	25,000	25,000
“	“ Wyoming	same	10,000	10,000
St. Clair.....	City of Belleville.....	Belleville & O'Fallon.....	50,000	50,000
“	“	Belleville & Southern Illinois	40,000	40,000
“	Inc. town of New Athens ..	same	21,000	21,000
“	“ Freeburg	same	15,000	15,000
“	“ Mascoutah ..	St. Louis & Southeastern.....	50,000	50,000
Scott.....	County of Scott.....	Rockford, Rock Island & St. Louis.	50,000	50,000
“	Inc. town of Winchester..	same	30,000	30,000
Tazewell.....	County of Tazewell	Danville, Urbana, Bloomington & Pekin.	25,000	25,000
“	City of Pekin.....	same	17,500	17,500
“	Township of Pekin.....	same	15,000	15,000
“	“ Mackinaw	same	13,000	13,000
“	“ Tremont.....	same	12,000	12,000
“	“ Elm Grove.....	same	7,000	7,000

County.	By whom issued.	Railroad Aided.	Rate of Int.	Amount Registered.		
				Under act 1869.	Under act 1865.	Total.
Vermilion.....	Township of Danville.....	Danville, Urbana, Bloomington & Pekin.	10	\$70,000	.....	\$70,000
Wayne.....	County of Wayne.....	Illinois Southeastern.....	7	200,000	.....	200,000
".....	Township of Lanard.....	same.....	10	10,000	.....	10,000
".....	" Bedford.....	same.....	10	10,000	.....	10,000
".....	" Jasper.....	same.....	10	5,000	.....	5,000
".....	" Big Mound.....	same.....	10	5,000	.....	5,000
Washington.....	County of Washington.....	St. Louis & Southeastern.....	7	200,000	.....	200,000
Warren.....	Township of Lenox.....	Rockford, Rock Island & St. Louis..	8	10,000	.....	10,000
".....	" Roseville.....	same.....	8	33,000	.....	33,000
".....	" Swan.....	same.....	8	35,000	.....	35,000
".....	" Ellison.....	same.....	8	5,000	.....	5,000
".....	" Monmouth.....	same.....	8	25,000	.....	25,000
".....	" Spring Grove.....	same.....	8	20,000	.....	20,000
".....	" Sumner.....	same.....	8	5,000	.....	5,000
Totals.....				\$5,080,215	\$1,375,400	\$6,455,615

* Also registered under act of 1865.

No. 15.

Statement of the condition of State Banks on the 30th November, 1870.

CUMBERLAND COUNTY BANK.

Securities—Legal Tender Notes	\$365 00
Circulation outstanding	315 00

The following banks have withdrawn their securities in accordance with an act entitled "An act to amend the general banking law, so as to permit the withdrawal of securities in certain cases," approved February 28, 1867:

BANK OF BLOOMINGTON.
 BANK OF GALENA.
 HOME BANK, Elgin.
 McLEAN COUNTY BANK, Bloomington.
 MARINE BANK, Chicago.
 TREASURY BANK, Chicago.
 SYCAMORE BANK.

No. 16.

*Statement of the aggregate assessment of property in this State for the
year 1870.*

Personal Property.	Number.	Average value.	Assessed value.
Horses	875,009	\$28 66	\$25,081,419
Neat cattle.....	1,578,015	9 22	14,555,831
Mules and asses.....	83,546	34 55	2,886,677
Sheep	1,434,236	69	994,610
Hogs	2,220,651	1 90	4,214,108
Carriages and wagons	282,850	19 51	5,518,002
Clocks and watches.....	243,803	3 55	866,139
Pianos	12,270	73 01	895,824
Total		\$171 09	\$55,012,110

Goods and merchandize	17,956,837
Bankers', brokers, and stock jobbers' property.....	630,308
Manufactured articles.....	2,092,973
Moneys and credits	15,662,951
Value of moneys invested in bonds, stocks, joint stock companies, etc	1,939,032
Value of shares in the capital stock of state and national banks.....	4,178,181
Unenumerated property	18,448,921

Aggregate	\$115,921,313
Deductions	2,907,207

Total assessed value of personal property.....	\$113,014,106
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Railroad Property.	Average value.	Assessed value.
Lands (acres, 46,935)	\$26 59	\$1,248,016
Town lots (No. 2,860)	530 43	1,517,036
Main track (3,585 miles, 4,063 feet)	2,632 52	9,439,623
Side track (52 miles, 5,054 feet)	458 11	24,260
Rolling stock.....	1,656 74	5,940,676
Other personal property.....		1,072,530
Total assessed value of railroad property.....		19,242,141

Real Estate—Lands.	Number of acres.	Av. value per acre.	Assessed value.
Improved lands.....	23,814,062	\$5 87	\$139,816,512
Improvements on lands.....		1 95	46,475,904
Total		7 82	\$186,292,416
Unimproved lands	9,805,187	4 05	39,596,714
Total.....	33,619,249	6 72	\$225,889,130
Total assessed value of lands and im- provements on same.....			225,889,130

Statement—Continued.

Real Estate—Town and City Lots.	Number of lots.	Av. value per lot.	Assessed value.	Assessed value.
<i>Amount brought forward</i>				\$358,145,377
Improved town and city lots.....	267,514	\$174 07	\$46,567,129	
Improvements on town and city lots.....		195 41	52,273,592	
Total		369 48	\$98,840,721	
Unimproved town and city lots	336,901	68 40	23,045,605	
Total	604,415	201 66	\$121,186,326	
Total assessed value of town and city lots, and improvements on same.....				121,886,326
Total assessed value of all taxable property.....				\$480,031,703
Acres in cultivation—wheat				2,456,632
“ “ corn.....				5,367,364
“ “ other field products.....				2,017,073
Total acres in cultivation				9,831,069

No. 17.

STATEMENT of rates per cent. of addition and deduction, determined by the State Board of Equalization, on assessment, 187C.

Counties.	Personal Property.		Railroads.		Lands.		Town and City Lots.	
	Add.	Ded.	Add.	Ded.	Add.	Ded.	Add.	Ded.
City of Quincy .....	...	1	0	0	...	...	...	4
Adams	58	...	0	0	...	2	...	4
Alexander .....	...	41	0	0	...	30	...	54
Bond .....	...	21	0	0	...	3	...	1
Boone	54	...	0	0	...	34	...	30
Brown	11	...	0	0	...	31	...	4
Bureau	19	...	0	0	...	3	...	7
Calhoun .....	...	41	0	0	...	43	...	24
Carroll	23	...	0	0	...	25	...	25
Cass .....	...	6	0	0	...	19	...	26
Champaign .....	...	11	0	0	...	9	...	4
Christian .....	...	...	0	0	...	5	...	4
Clark	27	...	0	0	...	27	...	4
Clay .....	...	4	0	0	...	8	...	4
Clinton .....	...	1	0	0	...	11	...	15
Coles .....	...	1	0	0	...	6	...	4
Cook .....	...	8	0	0	...	6	...	4
Crawford	11	...	0	0	...	11	...	4
Cumberland	17	...	0	0	...	17	...	4
DeKalb	4	...	0	0	...	...	...	4
DeWitt	7	...	0	0	...	18	...	4
Douglas .....	...	37	0	0	...	29	...	44
DuPage	19	...	0	0	...	24	...	4
Edgar .....	...	3	0	0	...	24	...	28
Edwards .....	...	36	0	0	...	11	6	...
Elfingham	41	...	0	0	...	41	...	4
Fayette .....	...	5	0	0	...	33	...	4
Ford .....	...	10	0	0	...	9	...	5
Franklin .....	...	8	0	0	...	8	...	4
Fulton	3	...	0	0	...	6	...	6
Gallatin .....	...	46	0	0	...	32	...	36
Greene	4	...	0	0	...	18	...	4
Grundy	11	...	0	0	...	36	...	32
Hamilton .....	...	16	0	0	...	17	...	21
Hancock	10	...	0	0	...	2	...	6
Hardin .....	...	26	0	0	...	13	...	17
Henderson .....	...	19	0	0	...	9	...	26
Henry .....	...	14	0	0	...	21	...	29
Iroquois	11	...	0	0	...	30	...	56
Jackson .....	...	16	0	0	...	14	...	4
Jasper	12	...	0	0	...	12	...	4
Jefferson .....	...	11	0	0	...	30	...	4
Jersey .....	...	6	0	0	...	16	...	4
JoDaviess	30	...	0	0	...	34	...	34
Johnson .....	...	31	0	0	...	14	...	4
Kane	19	...	0	0	...	20	...	4
Kankakee .....	...	4	0	0	...	34	...	30
Kendall	27	...	0	0	...	4	...	...
Knox .....	...	...	0	0	...	3	...	4
Lake	55	...	0	0	...	24	...	20
LaSalle	39	...	0	0	...	72	...	68
Lawrence .....	...	1	0	0	...	6	...	6

Statement—Continued.

Counties.	Personal Property.		Railroads.		Lands.		Town and City lots.	
	Add.	Ded.	Add.	Ded.	Add.	Ded.	Add.	Ded.
Lee.....	35	....	0	0	27	....	23	....
Livingston.....	13	....	0	0	5	....	1	....
Logan.....	16	....	0	0	14	....	18	....
Macon.....	9	....	0	0	15	....	6	....
Macoupin.....	4	....	0	0	2	....	4	....
Madison.....	31	....	0	0	19	....	4	....
Marion.....	1	....	0	0	8	....	4	....
Marshall.....	4	....	0	0	5	....	8	....
Mason.....	19	....	0	0	14	....	10	....
Massac.....	30	....	0	0	34	....	38	....
McDonough.....	72	....	0	0	2	....	16	....
McHenry.....	29	....	0	0	33	....	29	....
McLean.....	13	....	0	0	6	....	26	....
Menard.....	6	....	0	0	6	....	2	....
Mercer.....	5	....	0	0	18	....	26	....
Monroe.....	1	....	0	0	2	....	34	....
Montgomery.....	19	....	0	0	19	....	15	....
Morgan.....	1	....	0	0	9	....	4	....
Moultrie.....	29	....	0	0	20	....	4	....
Ogle.....	45	....	0	0	27	....	26	....
Peoria.....	2	....	0	0	26	....	27	....
Perry.....	1	....	0	0	27	....	32	....
Piatt.....	12	....	0	0	11	....	15	....
Pike.....	1	....	0	0	20	....	16	....
Pope.....	11	....	0	0	20	....	14	....
Pulaski.....	23	....	0	0	56	....	34	....
Putnam.....	4	....	0	0	....	....	3	....
Randolph.....	16	....	0	0	12	....	4	....
Richland.....	21	....	0	0	5	....	54	....
Rock Island.....	7	....	0	0	10	....	6	....
Saline.....	11	....	0	0	6	....	2	....
Sangamon.....	7	....	0	0	3	....	14	....
Schuyler.....	11	....	0	0	15	....	4	....
Scott.....	21	....	0	0	9	....	4	....
Shelby.....	....	....	0	0	20	....	4	....
Stark.....	7	....	0	0	9	....	5	....
St. Clair.....	4	....	0	0	5	....	1	....
Stephenson.....	38	....	0	0	26	....	26	....
Tazewell.....	11	....	0	0	11	....	4	....
Union.....	43	....	0	0	27	....	31	....
Vermilion.....	16	....	0	0	7	....	24	....
Wabash.....	21	....	0	0	9	....	13	....
Warren.....	2	....	0	0	8	....	12	....
Washington.....	37	....	0	0	2	....	47	....
Wayne.....	4	....	0	0	49	....	6	....
White.....	23	....	0	0	23	....	14	....
Whiteside.....	48	....	0	0	48	....	44	....
Will.....	17	....	0	0	7	....	11	....
Williamson.....	....	....	0	0	14	....	4	....
Winnebago.....	27	....	0	0	5	....	7	....
Woodford.....	....	....	0	0	....	....	2	....

No. 18.—STATEMENT, showing the Assessed and Equalized Valuations of the several classes of Property for State Taxation, for the year 1870.

DISTRICTS. . . .	COUNTIES.	Personal Property.		Railroad Prop- erty.	Lands.		Town and City Lots.		Total Valuations.	
		Total assessed value.	Total equal- ized value.		Total assessed value.	Total equal- ized value.	Total assessed value.	Total equal- ized value.	Assessed.	Equalized.
1	Alexander.	\$595, 183	\$351, 128	.....	\$395, 642	\$276, 950	\$2, 011, 145	\$925, 127	\$8, 001, 921	\$1, 553, 205
	Pulaski.	303, 695	233, 845	.....	638, 764	281, 056	215, 035	141, 923	1, 157, 494	656, 824
	Massac.	334, 998	234, 499	.....	608, 691	401, 736	291, 728	180, 870	1, 235, 417	817, 106
	Union.	877, 796	500, 344	.....	1, 328, 881	979, 083	308, 565	212, 910	2, 515, 242	1, 683, 837
	Johnson.	333, 848	230, 355	.....	622, 494	709, 643	42, 354	40, 660	998, 696	980, 658
	Pope.	325, 635	289, 815	.....	580, 588	696, 706	98, 927	85, 077	1, 005, 150	1, 071, 598
	Hardin.	152, 800	113, 072	.....	315, 982	274, 904	41, 165	34, 167	509, 947	422, 143
	Gallatin.	681, 630	368, 080	.....	944, 230	642, 076	351, 340	234, 858	1, 977, 200	1, 235, 014
	Saline.	285, 262	255, 833	.....	686, 091	727, 256	47, 438	48, 387	1, 018, 791	1, 029, 526
	Hamilton.	386, 470	324, 635	.....	996, 238	826, 878	68, 272	53, 935	1, 450, 980	1, 205, 448
	Wabash.	378, 270	298, 833	.....	714, 002	649, 742	153, 641	133, 668	1, 245, 913	1, 082, 243
2	Clay.	654, 135	627, 970	\$112, 590	1, 180, 621	1, 275, 071	235, 838	245, 272	2, 183, 184	2, 260, 003
	Wayne.	563, 715	541, 166	65, 070	1, 140, 546	1, 699, 414	72, 127	76, 455	1, 841, 458	2, 382, 105
	Richland.	426, 794	520, 051	101, 885	1, 267, 754	1, 204, 366	299, 489	137, 765	2, 098, 922	1, 964, 067
	Edwards.	667, 455	363, 171	.....	779, 732	693, 961	109, 849	116, 440	1, 457, 036	1, 173, 572
	White.	667, 017	513, 603	.....	975, 639	1, 199, 298	218, 463	187, 878	1, 860, 519	1, 900, 779
	Lawrence.	492, 961	489, 021	103, 095	1, 230, 160	1, 156, 350	93, 683	99, 304	1, 920, 899	1, 847, 770
	Williamson.	387, 034	387, 034	.....	837, 102	954, 296	50, 774	48, 743	1, 274, 910	1, 390, 073
	Franklin.	375, 368	345, 339	.....	768, 308	829, 773	38, 055	39, 377	1, 181, 731	1, 214, 680
	Jackson.	809, 216	679, 741	375, 180	1, 468, 085	1, 673, 617	428, 571	411, 428	3, 081, 056	3, 139, 970
	Jefferson.	935, 033	832, 179	69, 915	1, 370, 761	1, 781, 989	170, 662	163, 836	2, 546, 371	2, 847, 919
3	Randolph.	949, 397	797, 493	.....	1, 881, 418	2, 107, 188	576, 279	553, 228	3, 407, 094	3, 457, 909
	Monroe.	484, 260	479, 417	.....	1, 214, 950	1, 190, 651	203, 405	134, 247	1, 902, 615	1, 804, 315
	Perry.	437, 115	432, 744	.....	1, 002, 012	1, 272, 555	263, 070	178, 888	1, 702, 197	1, 884, 187

Washington	456,702	625,682	70,000	1,993,457	2,033,326	238,734	350,939	2,758,893	3,079,947
Clinton	534,227	528,885	144,420	1,930,429	1,718,082	277,097	235,532	2,886,173	2,626,919
Marion	961,832	932,214	118,040	1,715,066	1,852,271	747,100	776,984	3,542,038	3,699,509
Fayette	581,767	552,679	4,689	1,410,405	1,875,839	260,235	249,826	2,257,096	2,683,083
Bond	741,480	585,769	66,060	1,518,355	1,563,906	212,943	210,814	2,538,838	2,426,549
5 St. Clair	1,154,357	1,200,531	722,506	5,220,606	5,481,636	1,981,038	2,000,848	9,078,507	9,405,521
Madison	3,386,620	2,336,768	482,998	6,171,540	4,998,947	2,466,270	2,367,619	12,507,428	10,186,332
6 Jersey	653,689	642,668	60,666	2,166,689	1,820,019	468,193	449,465	2,379,237	2,972,818
Calloun	356,120	210,111	.....	738,981	418,369	26,084	19,824	1,116,185	648,304
Greene	819,985	852,784	224,000	2,148,545	2,535,283	306,790	319,062	3,499,320	3,931,129
Scott	344,123	271,857	115,937	950,398	1,035,984	205,326	197,113	1,615,784	1,620,841
Pike	1,387,184	1,373,312	154,606	2,715,093	3,258,112	421,020	488,383	4,677,903	5,274,413
7 Macoupin	1,450,077	1,508,080	374,795	4,030,126	3,949,523	1,096,883	1,053,008	6,951,881	6,885,406
Montgomery	776,520	924,059	146,348	2,370,847	2,821,308	481,023	553,176	3,774,738	4,444,891
Christian	947,275	947,275	104,983	3,149,813	2,992,322	422,399	405,503	4,624,470	4,450,083
Shelby	1,307,293	1,307,293	113,762	2,289,398	2,747,978	383,658	368,312	4,094,111	4,536,645
8 Effingham	402,539	567,580	115,960	1,072,621	1,512,396	151,709	145,641	1,742,829	2,341,577
Jasper	351,756	393,967	.....	894,102	1,001,394	32,653	31,347	1,278,511	1,426,708
Crawford	411,280	456,521	.....	1,074,160	1,192,318	79,262	76,092	1,564,702	1,724,931
Cumberland	410,910	480,765	.....	901,307	1,054,529	64,734	62,145	1,376,951	1,597,439
Clark	567,125	720,249	75,000	1,278,831	1,624,115	179,786	172,595	2,100,742	2,591,959
Edgar	1,372,312	1,331,143	106,945	3,433,027	2,609,101	399,057	287,321	5,311,341	4,334,510
9 Coles	1,224,363	1,212,119	135,000	2,237,513	2,103,309	708,521	680,180	4,305,447	4,130,608
Douglas	1,023,334	644,700	.....	2,100,810	1,491,575	378,885	212,176	3,503,029	2,348,451
Champaign	1,414,705	1,259,087	246,066	3,907,266	3,555,612	634,953	619,155	6,212,990	5,679,920
Vermilion	2,026,590	1,702,336	208,117	4,313,133	4,011,214	901,376	685,046	7,449,216	6,606,713
Iroquois	956,022	1,061,184	54,397	2,903,804	3,774,945	334,781	506,658	4,239,004	5,397,184
Ford	383,032	344,729	13,016	1,484,734	1,618,360	156,980	164,829	2,037,762	2,140,934
10 McLean	2,814,230	2,448,380	613,423	5,677,859	6,018,531	1,707,296	2,151,193	10,812,808	11,231,527
DeWitt	662,197	708,551	19,549	1,969,741	1,615,188	170,186	163,379	2,821,673	2,506,667
Piatt	581,903	512,075	118,174	2,018,310	1,796,296	193,369	164,364	2,911,756	2,590,909
Moultrie	370,449	477,879	16,585	1,060,292	1,272,350	59,690	57,302	1,507,016	1,824,116
Macon	1,104,395	1,203,791	120,399	3,331,209	2,831,528	904,094	958,340	5,460,097	5,114,058

Statement—Continued.

DISTRICTS.....	COUNTIES.	Personal Property.		Railroad property.	Lands.		Town and City Lots.		Total Valuations.	
		Total assessed value.	Total equalized value.		Total assessed value.	Total equalized value.	Total assessed value.	Total equalized value.	Assessed.	Equalized.
11	Tazewell.....	\$1,310,606	\$1,454,773	\$211,220	\$3,616,467	\$3,218,656	\$944,522	\$906,741	\$6,082,815	\$5,791,390
	Logan.....	1,337,438	1,123,448	158,117	3,419,159	2,240,477	684,433	551,235	5,599,147	4,783,277
	Sangamon.....	3,228,889	3,002,867	503,612	5,925,621	5,747,852	4,103,549	3,529,052	13,761,671	12,783,383
12	Menard.....	564,392	598,256	75,455	1,385,111	1,468,218	198,315	202,281	2,228,273	2,344,210
	Cass.....	219,129	487,981	44,971	1,495,013	1,779,065	328,130	413,444	2,387,243	2,725,461
	Schuyler.....	778,712	693,055	70,669	1,392,373	1,601,229	212,441	203,943	2,454,196	2,568,896
	Brown.....	333,968	426,204	104,477	759,693	995,198	162,372	155,877	1,410,510	1,681,756
	Morgan.....	1,216,524	1,501,359	303,134	4,111,429	3,741,400	2,005,840	1,925,606	7,936,927	7,471,499
13	Adams.....	1,049,071	1,657,532	340,518	4,170,989	4,037,569	224,911	215,915	5,785,489	6,301,534
	City of Quincy....	1,637,275	1,620,902	.....	717,885	717,885	4,215,446	4,046,828	6,570,606	6,385,615
	Hancock.....	1,395,217	1,535,839	348,377	3,490,749	3,420,934	722,183	678,852	5,957,526	5,984,002
14	McDonough.....	813,313	1,398,898	302,444	2,823,954	2,880,433	460,978	534,734	4,400,689	5,116,509
	Henderson.....	655,555	555,300	379,383	1,534,478	1,672,581	131,969	166,281	2,731,385	2,773,545
	Mercer.....	1,145,411	1,202,682	198,882	2,968,716	2,434,347	375,797	473,504	4,688,806	4,309,415
	Warren.....	1,294,845	1,320,742	131,351	2,463,221	2,660,279	544,478	479,141	4,433,895	4,591,613
15	Mason.....	528,370	628,760	93,008	2,068,961	2,358,616	326,831	359,514	3,017,170	3,439,898
	Fulton.....	1,531,251	1,577,189	393,345	3,623,056	3,840,439	666,558	706,551	6,214,210	6,517,524
	Knox.....	2,115,531	2,115,531	503,811	3,729,840	3,617,945	1,489,084	1,429,521	7,838,266	7,666,808
16	Peoria.....	2,536,503	2,485,773	541,366	3,815,887	2,823,756	4,885,786	3,566,624	11,779,542	9,417,519
	Stark.....	609,426	652,086	126,023	1,298,821	1,415,388	103,387	108,556	2,137,357	2,302,053
	Marshall.....	712,191	740,679	79,297	1,823,266	1,732,103	467,024	429,662	3,081,778	2,981,741
	Putnam.....	324,767	337,758	32,470	684,275	684,275	73,674	75,884	1,115,186	1,130,387
17	Woodford.....	981,489	981,489	37,300	2,261,124	2,261,124	357,394	350,246	3,637,307	3,630,159

Livingston.....	1,233,708	1,394,090	296,460	4,176,124	4,384,930	530,868	586,177	6,237,160	6,611,657
LaSalle	1,740,867	2,419,805	445,249	3,670,807	3,313,788	1,315,156	2,209,462	7,172,079	11,388,804
18 Kankakee	675,861	648,827	43,003	1,706,776	2,287,080	431,079	560,403	2,856,719	3,539,313
Grundy	638,449	708,678	182,541	1,391,226	1,892,067	358,644	475,410	2,570,860	3,256,606
Will.	1,362,965	1,544,669	534,190	4,011,198	3,730,414	1,151,354	1,024,705	7,059,707	6,883,978
Kendall	502,492	638,165	106,038	1,516,906	1,577,582	141,877	141,877	2,267,313	2,463,662
19 DuPage	595,363	708,482	324,105	2,171,764	1,650,541	311,749	299,279	3,402,981	2,982,407
Kane.....	1,697,610	2,020,156	396,467	3,640,994	2,912,794	2,829,350	2,716,176	8,564,421	8,045,593
DeKalb.....	1,015,821	1,056,454	132,025	2,953,839	2,953,839	374,287	353,316	4,475,972	4,501,634
20 Ogle	892,447	1,294,048	60,152	3,010,688	3,823,574	339,519	427,794	4,302,806	5,605,568
Lee.	786,717	1,062,068	138,079	2,312,822	2,937,284	502,653	618,263	3,740,271	4,755,694
Whiteside	863,986	1,278,699	330,740	1,964,249	2,907,089	472,754	680,766	3,631,729	5,197,294
21 Bureau.	1,359,284	1,617,548	566,032	4,234,235	4,107,208	573,617	533,464	6,733,168	6,824,252
Henry.....	1,796,577	1,545,056	424,820	5,058,815	3,996,454	1,139,957	809,369	8,420,169	6,775,709
Rock Island.....	1,106,602	1,184,064	408,805	1,606,474	1,767,121	1,211,164	1,283,834	4,833,045	4,643,824
22 Carroll	685,456	843,111	148,215	1,411,347	1,764,184	181,429	225,786	2,426,447	2,982,296
JoDavies	939,525	1,221,383	3,500	1,233,872	1,653,388	342,882	459,462	2,519,779	3,337,733
Stephenson	967,367	1,324,966	146,665	2,364,463	2,979,223	679,827	856,582	4,158,322	5,317,436
23 Winnebago	1,398,830	1,776,514	322,198	2,646,430	2,514,108	1,301,790	1,210,665	5,669,248	5,823,485
Boone.....	435,280	670,331	185,743	978,338	1,311,643	181,223	235,590	1,781,048	2,403,307
McHenry	849,709	1,096,125	391,633	2,026,548	2,695,309	313,494	404,407	3,581,384	4,587,474
Lake.....	468,237	725,767	144,017	1,322,732	1,640,188	285,312	342,374	2,220,298	2,862,346
24 } Cook.....	19,624,649	18,064,677	2,958,054	7,776,586	7,309,991	59,789,239	57,397,669	90,148,528	85,720,391
25 }									
Totals	\$113,014,106	\$113,545,227	\$19,242,141	\$225,889,130	\$230,890,053	\$121,886,326	\$116,986,637	\$480,031,703	\$480,664,038
		113,014,106			225,889,130		121,886,326		480,031,703
Surplus.	\$531,121			Surplus.	\$5,000,923	Deficit.	\$4,899,689	Surplus.	\$632,355

FINANCIAL REPORT OF STATE TREASURER.

STATE OF ILLINOIS, TREASURER'S OFFICE,
Springfield, December 15, 1870.

HIS EXCELLENCY, JOHN M. PALMER,
Governor of Illinois.

SIR: In compliance with the law defining the duties of State Treasurer, I have the honor to submit to your consideration the accompanying report of the receipts and disbursements of the Treasury Department, for the fiscal year ending November 30th, 1870.

Balance in the Treasury December 1st, 1869,.....	\$1,762,974 70
Amount received from other sources.....	5,635,774 91

Total amount received	7,398,749 61
Total disbursements	2,895,779 03

Balance in the Treasury December 1st, 1870.....	\$4,502,970 58
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The statements hereto appended will give a detailed account of the receipts, expenditures and balances of the several funds. During the year the funded debt has been diminished \$229,058 34, leaving the entire debt of the State only \$4,890,937 30. Of this amount, \$15,136 has been called in by proclamation of the Governor, and not yet presented for payment. Of the remainder, \$2,983,304 47 will have matured on the first Monday of January, 1871. The Illinois and Michigan Canal sterling bonds, amounting to \$1,072,488 87, matured in July last. These bonds, by their terms, are payable in London, in pounds sterling. As I received from the State only currency, and had no authority of law to purchase coin for payment of principal, I could only offer to the holders of these bonds currency in payment. This was in all cases refused, the holders of the bonds preferring to retain the bonds till the Legislature could meet, and provide for their payment in coin, rather than accept the currency in partial payment, and leave the balance for future adjustment. I think it important that the Legislature act upon this matter, and provide for their redemption in coin at as early a day as practicable.

The remaining bonds, which mature in January, 1871, amounting to \$1,910,815 60, are in the usual form, the State agreeing therein to pay ——— dollars. When they were issued, coin was the medium of exchange and only legal tender. Since the passage of the legal tender act, in 1862, the interest upon these bonds has been paid in currency. The holders of the bonds claim that, by the recent decision of the United States Supreme Court, relating to the legal tender act, they are entitled to receive coin in payment of principal and interest. Their payment in coin, at present price of gold, would require an expenditure of about \$212,000, for premium on gold, which, added to \$117,973 77, the premium of gold required to redeem the sterling bonds, gives \$329,973 77 as the increased cost of paying in coin the bonds which mature in January next.

To pay this maturing indebtedness, there is now in the Treasury, and set apart for this express purpose, the State Debt Fund and the Illinois Central Railroad Fund, amounting to \$2,582,104 22. It is also expected that, by the first of January, 1871, there will be paid into the Treasury, for these funds, by the Illinois Central Railroad Company, and by the counties which have not yet settled their tax of 1869, about \$440,000. The tolls and receipts of the canal, now in the hands of the Canal Trustees, will be sufficient, it is supposed, to cancel the registered Canal Bonds, which, with the premium on gold for their redemption, will amount to about \$311,896 — so that, by the first of January next, the money in the Treasury, together with that in the hands of the Canal Trustees, will be sufficient to pay, in coin, all the debt which will then have matured. The remainder of the debt amounts to less than \$2,000,000, and matures as follows, to-wit: \$60,000 after 1876, \$1,268,696 83 after 1877, and the balance, \$563,800, after 1879. For the payment of this indebtedness, as it matures, the two mill tax to be collected will amount to about \$1,000,000. The Illinois Central Railroad Fund for 1871 and 1872 will amount to nearly \$1,000,000 more. There will therefore be sufficient money in the Treasury in 1873, without any further taxation, to pay, in coin, the entire funded debt.

Whether the State shall pay this indebtedness in currency, or coin, is a matter of considerable importance. The decision of the Legislature upon this point will very materially affect the credit and financial standing of the State. I would advise the passage of a law authorizing the Treasurer to purchase coin, with such funds as are set apart for that purpose, for the payment of principal and interest of such portion of the funded debt as matures on and after January 1st, 1871, including the sterling bonds which matured in July, 1870.

In my last annual report I stated that, as the appropriations of the Twenty-sixth General Assembly had been largely in excess of the revenue received for the current year, it had been necessary to advance largely from other funds to pay revenue warrants, in order to preserve the credit of the State and to prevent loss and embarrassment to its creditors and Institutions. In this way I employed the surplus money in the Treasury, till the revenue fund was collected this year, when the money so advanced was returned to the various funds from which the same had been temporarily borrowed. This course worked

no prejudice or inconvenience to the State, while, on the contrary, it preserved the credit and saved many thousand dollars to the people.

I cannot close this report without congratulating your Excellency, and through you the people of the State, upon the healthful and prosperous condition of our finances. In a few weeks at farthest the most of the debt, which for years has weighed down our people, will be paid. The small balance remaining unpaid will easily be met, as it matures, without further taxation. The two mill tax ceases with this year. As the burdens are removed from our people, we may reasonably anticipate increased prosperity.

ERASTUS N. BATES,
Treasurer.

TABULAR STATEMENTS.

- No. 1. Statement of the 48th installment of interest paid in the city of New York, by the Treasurer, on the State Debt of Illinois.
- No. 2. Statement of expenses incurred in the paying of the 48th installment of interest, in the city of New York.
- No. 3. Statement of the 49th installment of interest, paid in the city of New York.
- No. 4. Statement of expenses incurred in paying the 49th installment of interest, in the city of New York.
- No. 5. Statement of Coin Account.
- No. 6. Statement of interest paid on the Debt of Quincy City, Adams County, in New York City.
- No. 7. Statement of principal and interest paid on Debt of Brown County, in the city of New York.
- No. 8. Statement of principal and interest paid on Debt of Schuyler County, in the city of New York.
- No. 9. Statement of interest paid on Debt of Hancock County, in the city of New York.
- No. 10. Statement of interest paid on the Debt of Warsaw City, Hancock County, in the city of New York.
- No. 11. Statement of interest paid on the Debt of Henderson County, in the city of New York.
- No. 12. Statement of the principal and interest paid on the Debt of Mercer County, in the city of New York.
- No. 13. Statement of the interest paid on the Debt of Wayne County, in the city of New York.
- No. 14. Statement of the interest paid on the Debt of Sangamon County, in the city of New York.

- No. 15. Statement of the interest paid on the Debt of Pike County, in the city of New York.
- No. 16. Statement of the interest paid on the Debt of Mason County, in the city of New York.
- No. 17. Statement of the interest paid on the Debt of Dayton Township, LaSalle County, in the city of New York.
- No. 18. Statement of interest paid on the Debt of Ottawa Township, LaSalle County, in the city of New York.
- No. 19. Statement of the interest paid on the Debt of South Ottawa, Township, LaSalle County, in the city of New York.
- No. 20. Statement of the interest paid on the Debt of Evans Township, Marshall County, in the city of New York.
- No. 21. Statement of interest paid on the Debt of Brimfield Township, Peoria County, in the city of New York.
- No. 22. Statement of the interest paid on the Debt of Buda Township, Bureau County, in the city of New York.
- No. 23. Statement of the interest paid on the Debt of Elmwood Township, Peoria County, in the city of New York.
- No. 24. Statement of collections on account of Revenue.
- No. 25. Statement of receipts and disbursements of Unknown and Minor Heirs' Fund.
- No. 26. Statement of the monthly receipts of Revenue, Special Taxes, etc.
- No. 27. Statement of the monthly credits by Auditor's Receipts for Warrants canceled.
- No. 28. Statement of Revenue Fund.
- No. 29. Statement of State Debt Fund.
- No. 30. Statement of Interest Fund.
- No. 31. Statement of School Fund.
- No. 32. Statement of Railroad Fund.
- No. 33. Statement of Delinquent Land Tax Fund.
- No. 34. Statement of Unknown and Minor Heirs' Fund.
- No. 35. Statement of Hancock County Interest Fund.
- No. 36. Statement of Schuyler County Interest Fund.
- No. 37. Statement of Brown County Interest Fund.
- No. 38. Statement of City of Quincy Interest Fund.
- No. 39. Statement of Mercer County Interest Fund.
- No. 40. Statement of Warsaw City Interest Fund.
- No. 41. Statement of Henderson County Interest Fund.
- No. 42. Statement of Pike County Interest Fund.
- No. 43. Statement of Mason County Interest Fund.
- No. 44. Statement of Wayne County Interest Fund.
- No. 45. Statement of Sangamon County Interest Fund.
- No. 46. Statement of Clay County Interest Fund.
- No. 47. Statement of Jefferson County Interest Fund.
- No. 48. Statement of Winchester Township (Scott County) Interest Fund.
- No. 49. Statement of Danville Township (Vermilion County) Interest Fund.
- No. 50. Statement of Buda Township (Bureau County) Interest Fund.
- No. 51. Statement of Osage Township (LaSalle County) Interest Fund.

- No. 52. Statement of Dayton Township (LaSalle County) Interest Fund.
- No. 53. Statement of South Ottawa Township (LaSalle County) Interest Fund.
- No. 54. Statement of Ottawa Township (LaSalle County) Interest Fund.
- No. 55. Statement of Elmwood Township (Peoria County) Interest Fund.
- No. 56. Statement of Brimfield Township (Peoria County) Interest Fund.
- No. 57. Statement of Evans Township (Marshall County) Interest Fund.
- No. 58. Recapitulation of Treasurer's Accounts.
- No. 59. Statement in relation to the State Debt, showing the amount of Inscribed Stock and several classes of Coupon Bonds, their numbers and amounts, outstanding December 1st, 1870.
- No. 60. Statement of the amounts and kinds of Stock deposited with the Treasurer by the Life Insurance Companies, for the benefit of their Policy Holders.

STATEMENT No. 1.

STATEMENT of Interest paid on the Debt of the State of Illinois in the city of New York, by Erastus N. Bates, State Treasurer, during the month of January, 1870.

FORTY-EIGHTH INSTALLMENT.

Paid interest due January, 1870, on \$1,584,972 80, new Internal Improvement Stock, issued under act of 1847, at 3 per cent	\$47,549 18	
Interest due January, 1870, on \$967,388 84, at 3 per cent.....	29,021 66	
		\$76,570 84
Paid interest due January, 1870, on Illinois and Michigan Canal Bonds, and other bonds, as follows, to-wit:		
18 coupons from \$1000 Canal Bonds, of 1841, at \$30.....	\$540 00	
20 coupons from \$1000 registered Canal Bonds, less 70 per cent., at \$9	180 00	
41 coupons from £300 Canal Bonds, payable in London with 10 per cent. Ex., at \$44	1,804 00	
549 coupons from £300 registered Canal Bonds, payable in London with 10 per cent. Ex., less 70 per cent., at \$13 20	7,246 80	
22 coupons from £100 Canal Bonds, payable in London, with 10 per cent. Ex., at \$14 66	322 52	
405 coupons from £100 registered Canal Bonds, payable in London with 10 per cent. Ex., less 70 per cent., at \$4 40.	1,782 00	
		11,875 32
99 coupons from \$1000 Bonds Thornton Loan, issued in 1861, at \$30.....	\$2,970 00	
45 coupons from \$1000 Bonds Refunded Stock, Normal University, 1879, at \$30.....	1,350 00	
64 coupons from \$1000 Bonds Refunded Stock, 1869, at \$30	1,920 00	
260 coupons from \$1000 Bonds Refunded Stock, 1870, at \$30	7,800 00	
56 coupons from \$1000 Bonds Refunded Stock, 1876, at \$30	1,680 00	
258 coupons from \$1000 Bonds Refunded Stock, 1877, at \$30	7,740 00	
		23,460 00
217 coupons from \$1000 Bonds of War Loan, issued in 1861, at \$30	\$6,510 00	
244 coupons from \$500 Bonds of War Loan, issued in 1861, at \$15	3,660 00	
650 coupons from \$100 Bonds of War Loan, issued in 1861, at \$15	1,950 00	
		12,120 00
		\$124,026 16

STATEMENT No. 2.

STATEMENT of *Expenses attending the payment of Interest in the City of New York, during the month of January, 1870.*

FORTY-EIGHTH INSTALLMENT.

Paid advertising notice of payment in the New York Tribune ..	\$67 50	
Paid advertising notice of payment in the New York Post	44 55	
Paid advertising notice of payment in the New York Journal of Commerce.....	25 20	
Paid for a check book.....	14 00	
Paid for express on a box of books to and from New York	10 00	
Paid for passage of Treasurer and Assistant to and from New York, and for board, stationery, stamps, &c.....	650 00	
Paid for lock, key, and repairs on box, and stamp	16 90	
Paid for premium on \$11,155 32 gold, at 20½ per cent	2,286 84	
		\$3,114 99
Paid for advertising the Governor's proclamation of Nov. 23rd, 1869, for payment of State Indebtedness in January, 1870, called in under said proclamation, in the New York Daily Tribune	\$180 00	
Paid for advertising same in the New York Daily Post.....	144 00	
Paid for advertising same in the New York Daily Journal of Commerce.....	86 40	
		410 40
		\$3,525 39

STATEMENT No. 3.

STATEMENT of Interest paid on the Debt of the State of Illinois, in the City of New York, by Erastus N. Bates, Treasurer, during the month of July, 1870.

FORTY-NINTH INSTALLMENT.

Paid interest due July, 1870, on \$1,586,833 63 New Internal Improvement Stock, issued under act of 1847, at 3 per cent.	\$47,605 00	
Paid interest due July, 1870, on \$968,695 35 of Interest Bonds, issued under act 1847, at 3 per cent.	29,060 86	
		\$76,665 86
Paid interest due July, 1870, on Illinois and Michigan Canal Bonds, and bonds as follows, to-wit:		
13 coupons from \$1000 Canal Bonds of July, 1841, at \$30...	\$390 00	
17 coupons from \$1000 Canal Bonds of July, 1841, registered, less 80 per cent., at \$6.....	102 00	
43 coupons from £300 Canal Bonds of July, 1841, payable in London, with 10 per cent. exchange, at \$44 20.....	1,800 60	
541 coupons from £300 Canal Bonds of July, 1841, payable in London, registered, less 80 per cent., at \$8 84.....	4,782 44	
701 coupons from £225 Canal Bonds of July, 1841, payable in London, registered, with exchange, at \$66 30.....	46,476 30	
878 coupons from £225 Canal Bonds of July, 1841, payable in London, registered, less 77½ per cent., at \$16 57½.....	8,585 82	
19 coupons from £225 Canal Bonds of July, 1841, payable in New York City, at \$60.....	1,140 00	
16 coupons from £225 Canal Bonds of July, 1841, payable in New York City, registered, less 77½ per cent., at \$15.....	240 00	
29 coupons from £100 Canal Bonds of July, 1841, payable in London, with 10 per cent., at \$14 73.....	427 17	
406 coupons from £100 Canal Bonds of July, 1841, payable in London, registered, less 80 per cent., at \$2 95.....	1,185 90	
		65,230 23
67 coupons from \$1000 Bonds of Thornton Loan, issued in 1861, at \$30.....	\$2,010 00	
26 coupons from \$1000 Bonds of Refunded Stock, Normal University, of 1879, at \$30.....	780 00	
243 coupons from \$1000 Bonds of Refunded Stock of 1870, at \$30.....	7,290 00	
36 coupons from \$1000 Bonds of Refunded Stock of 1876, at \$30.....	1,080 00	
147 coupons from \$1000 Bonds of Refunded Stock of 1877, at \$30.....	4,410 00	
		15,570 00
73 coupons from \$1000 Bonds of War Loan, issue of 1861, at \$30.....	\$2,190 00	
153 coupons from \$500 Bonds of War Loan, issue of 1861, at \$15.....	2,295 00	
470 coupons from \$100 Bonds of War Loan, issue of 1861, at \$3.....	1,410 00	
		5,895 00
		\$163,361 09

STATEMENT No. 4.

STATEMENT of Expenses attending the payment of Interest in the City of New York,
during the month of July, 1870.

FORTY-NINTH INSTALLMENT.

Paid for notice of payment in New York Tribune	\$45 00	
“ “ “ “ Evening Post.....	40 50	
“ “ “ “ Journal of Commerce.	22 50	
“ Check Book.....	14 00	
“ Express charged on box of books to and from New York.....	11 50	
Paid for passage of Treasurer and Assistant to and from New York City, board, stationery, stamps, etc.....	650 00	
Paid for premium on \$64,286 43 gold, at 12½ per cent .. .	8,035 80	
		\$8,819 30

STATEMENT No. 5—COIN ACCOUNT.

STATEMENT showing the amount of Gold and Silver on hand December 1st, 1869, and amounts purchased thereafter, and payments on account of Sterling Interest, to December 1st, 1870.

DR.			
Dec. 1, 1869	To balance of Silver	\$528 09	
Jan. 1, 1870	“ gold purchased for interest on State Debt.....	11,155 32	
July 1, “	“ “ “ “ “ ..	64,286 43	
			\$75,969 84
CR.			
Feb. 1, 1870	By paid 5 coupons, Registered Canal Stock, of 3£, with exchange, at 10 per cent., at \$5 30.....	\$26 50	
Mar. 1, “	“ 2 coupons, Registered Canal Stock, of 9£, with exchange, at 10 per cent., at \$52 80.....	105 60	
April 9, “	“ 7 coupons, Registered Canal Stock, of 3£, with exchange, at 10 per cent., at \$16 50.....	115 42	
July 7, “	“ 3 coupons, Registered Canal Stock, of 13£ 10s, with exchange, at 10 per cent., at \$60.....	180 00	
“ “	“ 3 coupons, Registered Canal Stock, of 13£ 10s, with exchange, at 10 per cent., at \$60.....	180 00	
“ “	“ 7 coupons, Registered Canal Stock, of 13£ 10s, with exchange, at 10 per cent., at \$66 30.....	464 10	
“ “	“ 7 coupons, Registered Canal Stock, of 13£ 10s, with exchange, at 10 per cent., at \$66 30	464 10	
July 1, “	“ in New York, Interest, in January and July, on State Debt, as per table No. —.		\$1,535 75
			75,441 75
			\$76,977 50

RECAPITULATION.

DR.			
To Gold purchased		\$76,977 50	
“ Silver received		528 09	
			\$77,505 59
CR.			
By Sterling Interest paid in New York.....		\$76,977 50	
“ Silver on hand		528 09	
			\$77,505 59
			\$77,505 59

STATEMENT No. 6.

Statement of the Interest paid on the Debt of Quincy City, Adams County, in the City of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 682 coupons from \$1,000 bonds, at \$60.....	\$40,920 00	
“ 59 “ 500 “ 30.....	1,770 00	
“ 184 “ 100 “ 6.....	1,104 00	
		\$48,794 00
Paid 75 “ 1,000 “ past due int. at \$60.	\$4,500 00	
“ 13 “ 500 “ “ “ 30....	390 00	
“ 73 “ 100 “ “ “ 6	438 00	
		5,328 00
		\$49,122 00

STATEMENT No. 7.

Statement of Interest and Principal paid on the Debt of Brown County, in the City of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 6 per cent. Interest, and 5 per cent. of the Principal, due July, 1870, on the following bonds:		
49 bonds of \$1,000 each, at \$107.....	\$5,243 00	
84 “ 500 “ 50 50	4,242 00	
28 “ 100 “ 10 10.....	282 80	
		\$9,767 80
6 “ 1,000 each, past due interest, at \$110.. . . .	\$660 00	
		660 00
		\$10,427 80

STATEMENT No. 8.

Statement of the Interest and Principal paid on the Debt of Schuyler County, in the City of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 6 per cent. Interest, and 5 per cent. of the Principal, due July, 1870, on the following bonds:		
13 bonds of \$1,000 each, at \$107.....	\$1,391 00	
40 coupons from \$1,000 bonds, at \$60.....	2,400 00	
22 bonds of \$500 each, at \$46 25.....	1,017 50	
66 coupons from \$500 bonds, at \$30.....	1,980 00	
44 bonds of \$250 each, at \$23 12½.....	1,017 50	
		\$7,806 00
1 bond of \$250, past due interest, at \$23 75.....	\$23 75	
9 coupons of \$1,000 bonds past due interest, at \$30.....	270 00	
		293 75
		\$8,099 75

STATEMENT No. 9.

Statement of the Interest paid on the Debt of Hancock County, in the City of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 129 coupons, from \$1,000 bonds, due July, 1870, at \$60..	\$7,740 00	
“ 78 “ “ 500 “ “ “ 30..	2,340 00	
“ 25 “ “ 100 “ “ “ 6..	150 00	
		\$10,230 00
Paid 1 “ “ 1,000 “ past due int., at \$60....	\$60 00	
“ 1 “ “ 500 “ “ “ 30....	30 00	
		90 00
		\$10,320 00

STATEMENT No. 10.

Statement of the Interest paid on the Debt of the City of Warsaw, of Hancock County, in the City of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 28 coupons from \$1,000 bonds, due July, 1870, at \$60....	\$1,680 00	
Paid 2 coupons from \$500 bonds, due July, 1870, at \$30.....	60 00	
Paid 14 coupons from \$100 bonds, due July, 1870, at \$6.....	84 00	
		<u>\$1,824 00</u>

STATEMENT No. 11.

Statement of Interest paid on the Debt of Henderson County, in the City of New York, by the State Treasurer, during the month of July, 1870.

Paid 60 coupons from \$1,000 bonds due July, 1870, at \$60....	\$3,600 00	
Paid 1 coupon from \$1,000 bond, past due interest.....	60 00	
		<u>\$3,660 00</u>
		<u>\$3,660 00</u>

STATEMENT No. 12.

Statement of the Interest and Principal paid on the Debt of Mercer County, in the City of New York, by the State Treasurer, during the month of July, 1870.

Paid 6 per cent. Interest and 5 per cent. of the Principal due July, 1870, on the following bonds:		
25 bonds of \$1,000 each, at \$107.....	\$2,675 00	
		<u>\$2,675 00</u>
		<u>\$2,675 00</u>

STATEMENT No. 13.

Statement of the Interest paid on the Debt of Wayne County, in the City of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 97 coupons from \$500 bonds, due July, 1870, at \$17 50..	\$1,697 50	
Paid 479 coupons from \$100 bonds, due July, 1870, at \$3 50..	1,676 50	
		<u>\$3,374 00</u>
		<u>\$3,374 00</u>

STATEMENT No. 14.

Statement of the Interest paid on the Debt of Sangamon County, in the City of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 50 coupons from \$1,000 bonds, due July, 1870, at \$31 55.	\$1,577 50	
		<u>\$1,577 00</u>
		<u>\$1,577 50</u>

STATEMENT No. 15.

Statement of the Interest paid on the Debt of Pike County, in the City of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 96 coupons from \$1,000 bonds, due July, 1870, at \$100..	\$9,600 00	
Paid 100 coupons from \$1,000 bonds, due July, 1870, at \$38 32	3,832 00	
		<u>\$13,432 00</u>
		<u>\$13,432 00</u>

STATEMENT No. 16.

Statement of Interest paid on the Debt of Mason County, in the city of New York, by Erastus N. Bates, State Treasurer, during the month of July 1870.

Paid 21 coupons from \$1000 bonds, due July, 1870, at \$80	\$1,680 00	
Paid 100 coupons from \$500 bonds, due July, 1870, at \$40	400 00	
		\$2,080 00

STATEMENT No. 17.

Statement of the Interest paid on the Debt of Dayton Township, LaSalle County, in New York City, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 12 coupons, from \$1000 bonds, due July, 1870, at \$100...	\$1,200 00	\$1,200 00
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STATEMENT No. 18.

Statement of the Interest paid on the Debt of Ottawa Township, LaSalle County, in the city of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 148 coupons from \$1000 bonds, due July, 1870, at \$100 ..	\$14,800 00	\$14,800 00
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STATEMENT No. 19.

Statement of Interest paid on the Debt of South Ottawa Township, LaSalle County, in the city of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 29 coupons from \$1000 bonds, due July, 1870, at \$100 ...	\$2,900 00	\$2,900 00
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STATEMENT No. 20.

Statement of Interest paid on the Debt of Evans Township, Marshall County, in the city of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 40 coupons from \$1000 bonds, due July, 1870, at \$100 ...	\$4,000 00	\$4,000 00
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STATEMENT No. 21.

Statement of Interest paid on the Debt of Brimfield Township, Peoria County, in the city of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 46 coupons from \$1000 bonds, due July, 1870, at \$100 ...	\$4,600 00	\$4,600 00
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STATEMENT No. 22.

Statement of Interest paid on the Debt of Buda Township, Bureau County, in the city of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 15 coupons from \$1000 bonds, due July, 1870, at \$100 ...	\$1,500 00	\$1,500 00
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STATEMENT No. 23.

Statement of Interest paid on the Debt of Elmwood Township, Peoria County, in the city of New York, by Erastus N. Bates, State Treasurer, during the month of July, 1870.

Paid 62 coupons from \$1000 bonds, due July, 1870, at \$100....	\$6,200 00	\$6,200 00
		\$6,200 00

STATEMENT No. 24.

Statement of Collections on account of Revenue, from December 1, 1869, to December 1, 1870.

1869.	Dec.	Received on account of taxes assessed in the year of 1867	\$192 63	
"	"	Received on account of taxes assessed in the year of 1868	5,397 04	
"	"	Received per order John M. Palmer, Governor, from England.....	12,986 65	
"	"	Received from Malden Jones, for land purchased in Douglas county	2,080 00	
				\$20,656 32
1870.	Jan.	Received on account of taxes assessed in the year of 1868	\$4,280 33	
"	"	Received from John M. Palmer, Governor, from the United States....	52,397 69	
"	"	Received from George M. Brinkerhoff, for land purchased	2,219 12	
				58,897 14
"	Feb.	Received on account of taxes assessed in the year of 1868	\$21,994 18	
"	"	Received from sureties of Julius A. Pratt, on judgment.....	1,754 50	
"	"	Received from Wm. A. Turney, for fine from S. Salomon, of Chicago	1,000 00	
"	"	Received from Wm. E. McCrery, for land purchased	558 50	
				25,307 18
"	Mar.	Received on account of taxes assessed in the year of 1867	\$2,000 00	
"	"	Received on account of taxes assessed in the year of 1869	112,610 43	
				114,610 43
"	April.	Received on account of taxes assessed in the year of 1869	\$92,984 89	
"	"	Received from Alex. Starne, Trustee of Matteson estate, for land sold	17,000 00	
				109,984 89
"	May.	Received on account of taxes assessed in the year of 1869	\$394,297 99	
"	"	Received from Collector of Lake county, on judgment	3,850 00	
"	"	Received from St. Louis, Jacksonville and Chicago Railroad Company	5,700 00	
				403,847 99
"	June.	Received on account of taxes assessed in the year of 1869	\$1,024,402 67	
				1,024,402 67
"	July.	Received on account of taxes assessed in the year of 1869	\$842,030 84	
				842,030 84

Statement No. 24—Continued.

1870.	Aug.	Received on account of taxes assessed in the year of 1869.....	\$377,343 73	
"	"	Received from Alex. Starne, Trustee Matteson estate, for land sold.....	500 00	\$377,843 73
"	Sept.	Received on account of taxes assessed in the year of 1869	\$413,641 82	413,641 82
"	Oct.	Received on account of taxes assessed in the year of 1869	\$106,130 95	106,130 95
"	Nov.	Received on account of taxes assessed in the year of 1869	\$122,160 74	
"	"	Received from sale of State lands sold in Tazewell county	844 15	123,000 89
				<u>\$3,626,354 85</u>

STATEMENT No. 25.

Statement of Receipts and Disbursements of the Unknown and Minor Heirs' Fund.

1869.	Dec. 1	To balance	\$5,487 98	
1870.	July 1	To received from James H. Willin, Special Master in Chancery, Brown County Circuit Court, at the September Term, 1868	49 08	\$5,537 06
				<u>\$5,537 06</u>
"	Dec. 1	By balance		\$5,537 06

STATEMENT No. 26.—Statement of Monthly Receipts of Revenue, Special Taxes, etc.

Date.	Revenue F'd.	State Debt Fund.....	Interest F'd.	School F'd..	Illinois Central Railr'd Fund.....	Unkn'n and Minor H'r Fund.....	Hanc'k Co. Int. Fund..	Schnyl'r Co. Int. Fund..	Brown Co. Int. Fund..	Quincy City Int. Fund..	Mercer Co. Int. Fund..	Warsaw City Int. Fund..	Hend'n' Co. Int. Fund..
1869 December.....	\$20,656 92	\$26,374 07	\$6,020 25	\$588 98	\$554,989 56								
1870 January.....	68,897 14	7,786 75	6,882 12	3 07	\$254,989 56								
" February.....	25,807 18	5,636 10	4,797 75	15 04									
" March.....	114,610 48	7,000 00	1,000 00										
" April.....	109,984 89	5,609 06	5,108 21					\$1,757 50			\$2,600 00		
" May.....	403,847 09	19,288 48	8,408 28					185 00					
" June.....	1,024,402 67	123,095 20	95,796 16	2,338 98				5,906 42	\$12,000 00	\$50,509 00	148 42	2,902 76	6,574 61
" July.....	842,430 84	200,264 97	162,062 69	4,254 99					451 50				
" August.....	377,843 73	138,775 72	90,410 85	13,195 17	214,819 56	49 68							
" September.....	377,843 73	138,775 72	90,410 85	13,195 17									
" October.....	413,041 92	84,821 47	26,850 94	11,830 70									
" November.....	105,130 95	74,308 04	39,435 19	6,928 91									
" "	129,000 89	90,013 23	25,719 58	113,386 84									
	\$8,020,354 86	\$791,873 09	\$412,772 02	\$162,542 78	\$469,809 12	\$49 08	\$9,709 97	\$7,848 93	\$12,451 50	\$52,166 54	\$2,718 42	\$2,902 76	\$6,574 61

STATEMENT No. 26—Continued.

Date.	Pike County Int. Fund..	Mason Co. Int. Fund..	Wayne Co. Int. Fund..	Sanga'n Co. Int. Fund..	Clay County Int. Fund..	Jeffers'n Co. Int. Fund..	Winchester T'p Int'st Fund.....	Danville T'p Int. Fund..	Buda T'p Int. Fund..	Osage T'p Int. Fund..	Dayton T'p Int. Fund..	S. Ottawa T. Int. Fund..	Ottawa T'p Int. Fund..	Elmwood T'p Int. Fund..	Brinfield T'p Int. Fund..	Evans T'p Int. Fund..	Total.
1869 Dec.....																	\$54,239 62
1870 Jan.....																	328,569 24
" Feb.....																	35,756 07
" March.....																	124,867 93
" April.....																	122,887 16
" May.....	\$16,000 00																447 6 0 45
" June.....	5,000 00																1,381,012 13
" July.....		\$11,305 22		\$157 50	\$1800 00	\$8000 00			\$1500 00	\$2000 00	\$1200 00	\$3000 00	\$15,204 66	\$3452 24	\$1842 55	\$4000 00	251 77
" August.....																	1,221,861 97
" Sept.....		9,781 69															775,015 93
" Oct.....	2,231 53							\$8207 24		606 95	\$492 28	182 21	1056 81				561,638 76
" "																	231,422 87
" "																	854,816 58
	\$17,231 63	\$12,197 29	\$11,305 22	\$1577 50	\$1800 00	\$8000 00	\$3000 00	\$8207 24	\$1500 00	\$2666 95	\$1692 28	\$3182 21	\$16,040 47	\$6452 24	\$1842 55	\$4254 77	\$5,635,774 91

Date.	Rev. Fund..	State Debt Fund.....	Interest F'd.	School Fund	Ills. Central R.R. Fund.	Hancock Co. Int. Fund.	Schuyler Co. Int. Fund.	Brown Co. Int. Fund.	Quincy City Int. Fund.	Mercer Co. Int. Fund.	Warsaw City Int. Fund.	Hend'sn Co. Int. Fund.
1869 December.....	\$20,656 24			\$12,585 09								
1870 January.....	58,896 00	\$58,387 90	\$141,889 12	2,995 89								
" February.....	25,333 06	3,511 90	3,048 92	16,821 18								
" March.....	114,004 71	1,000 50		3,592 62								
" April.....	109,982 14	3,032 17		7,226 83								
" May.....	413,918 04	826 03										
" June.....	579,548 28			1,699 78								
" July.....	144,573 48	2,559 70	1,186 01	661 62								
" August.....	187,289 80	7,989 23	179,869 80	49 23	\$10,526 37		\$8,215 60	\$10,663 36	\$50,121 82	\$2732 06	\$1878 02	\$3792 40
" September.....	229,802 95			4,873 28								
" October.....	138,308 79	2,572 93	243 55	107,380 61								2880 00
" November.....	214,115 44			12,647 30								
	\$2,167,059 63	\$79,650 36	\$326,687 40	\$170,403 79	\$1000 66	\$10,526 37	\$8,215 60	\$10,663 36	\$50,121 82	\$2732 06	\$1878 02	\$56642 40

STATEMENT No. 27—Continued.

Date.	Pike County Int. Fund.	Mason Co. Int. Fund.	Wayne Co. Int. Fund.	Sanga'n Co. Int. Fund.	Clay County Int. Fund.	Buda Tp. Int. Fund.	Osage Tp. Int. Fund.	Dayton Tp. Int. Fund.	S. Ottawa T. Int. Fund.	Ottawa Tp. Int. Fund.	Elmwd Tp. Int. Fund.	Brimfield Tp Int. Fund.	Evans Tp. Int. Fund.	Total.
1869 December.....														\$33,241 33
1870 January.....														262,119 51
" February.....														49,285 06
" March.....														119,197 83
" April.....														130,241 14
" May.....														404,244 07
" June.....														681,178 06
" July.....														138,886 81
" August.....	\$13,599 57	\$2781 15	\$3487 05	\$1577 50	\$1797 85	\$1500 00	\$2000 00	\$1200 00	\$2930 60	\$14,959 23	\$6200 00	\$4000 00	\$4042 57	474,196 83
" September.....		2 00												234,738 33
" October.....														241,683 12
" November.....														226,762 74
	\$13,599 37	\$2183 15	\$2487 05	\$1577 50	\$1797 85	\$1500 00	\$2022 39	\$1214 85	\$2930 60	\$14,959 23	\$6200 00	\$4000 00	\$4042 57	\$2,895,779 03

STATEMENT No. 28.—Revenue Fund.

Dr.

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.

Cr.

1869.	Dec.	1	To balance.....	.....	.....	1870.	Jan.	1	By warrants canceled	Dec. '69	.....	.....
1870.	Jan.	1	received in Dec. 1869.....	\$24,656 32	\$2,755 83	Feb.	1	1	By balance.....	\$20,656 24	.....	.....
"	Feb.	1	"	58,897 14		March	1	1	"	58,896 60	.....	.....
"	March	1	"	25,307 18		April	1	1	"	25,303 06	.....	.....
"	April	1	"	114,610 43		May	1	1	"	114,604 71	.....	.....
"	May	1	"	109,984 89		June	1	1	"	109,982 14	.....	.....
"	June	1	"	403,847 99		July	1	1	"	403,918 04	.....	.....
"	July	1	"	1,024,402 67		Aug.	1	1	"	579,548 28	.....	.....
"	Aug.	1	"	842,030 84		Sept.	1	1	"	144,573 48	.....	.....
"	Sept.	1	"	377,843 73		Oct.	1	1	"	137,289 90	.....	.....
"	Oct.	1	"	413,641 82		Nov.	1	1	"	229,862 95	.....	.....
"	Nov.	1	"	106,130 95		Dec.	1	1	"	128,308 79	.....	.....
"	Dec.	1	"	123,000 89					"	214,115 44	.....	.....
									By balance.....	\$2,167,059 63	.....	.....
										1,446,031 05	.....	.....
										\$3,613,090 58	.....	.....

CR.

ERASTUS N. BATES, STATE TREASURER, *in account with the State of Illinois.*

DR.

[illegible]

STATEMENT No. 31.—*School Fund.*

[illegible]

STATEMENT No. 32.—*Railroad Fund.*

[illegible]

STATEMENT No. 33.—*Delinquent Land Tax Fund.*

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				Cr.
Dr.				
1869. Dec.	1 To balance	\$331 06	1 By balance	\$331 06

STATEMENT No. 34.—*Unknown and Minor Heirs' Fund.*

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				Cr.
Dr.				
1869. Dec.	1 To balance	\$5,487 98	1 By balance	\$5,537 06
1870. July	1 received from James H. Wallin, Special Master in Chancery, Brown County Circuit Court, at Sept. term, 1869	\$49 08		
		49 08		
		\$5,537 06		\$5,537 06

STATEMENT No. 35.—*Hancock County Interest Fund.*

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				Cr.
Dr.				
1869. Dec.	1 To balance	\$1,340 04	1 By warrant canceled in Aug. ..	\$10,526 37
1870. July	1 received in June	\$9,709 97	“ Dec. 1 balance	\$10,526 37 523 64
		9,709 97		
		\$11,050 01		\$11,050 01

STATEMENT No. 36.—*Schuyler County Interest Fund.*

Dr.	ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				Cr.
			1870. Sept.	1 By warrants canceled in Aug.	
1869. Dec.	1 To balance		\$877 13		\$8,218 60
1870. April	1 " received in March.....	\$1,757 50			
May	1 " " April.....	185 00			
July	1 " " June.....	5,906 42			
			7,848 92	1 By balance	507 45
			\$8,726 05		\$8,726 05

STATEMENT No. 37.—*Brown County Interest Fund.*

Dr.	ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				Cr.
			1870. Sept.	1 By warrants canceled in Aug.	
1869. Dec.	1 To balance		\$44 59		\$10,653 36
1870. July	1 " received in June.....	\$12,000 00			
" Aug.	1 " " July.....	451 50			
			12,451 50	1 By balance	1,842 73
			\$12,496 09		\$12,496 09

STATEMENT No. 38.—*City of Quincy Interest Fund.*

Dr.	ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				Cr.
			1870. Sept.	1 By warrants canceled in Aug.	
1869. Dec.	1 To balance		\$6,587 49		\$50,121 82
1870. July	1 " received in June.....	\$50,500 00			
" Dec.	1 " " November.....	1,666 54			
			52,166 54	1 By balance ...	8,632 21
			\$58,754 03		\$58,754 03

STATEMENT No. 39.—*Mercer County Interest Fund.*

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.					Cr.
Dr.					
1869. Dec.	1 To balance	\$171 01	1870. Sept.	1 By warrant canceled in Aug..	\$2,732 06
1870. May	1 received in April.....	\$2,600 00	" "	1 By balance	187 37
" "	1 " "	148 42			
July	1 June				
		2,748 42			
		\$2,919 43			\$2,919 43

STATEMENT No. 40.—*Warsaw City Interest Fund.*

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.					Cr.
Dr.					
1869. Dec.	1 To balance	\$405 20	1870. Sept.	1 By warrants canceled in Aug..	\$1,878 02
1870. July	1 " received in June.....	\$2,902 76	" "	1 By balance	1,429 94
		2,902 76			
		\$3,307 96			\$3,307 96

STATEMENT No. 41.—*Henderson County Interest Fund.*

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.					Cr.
Dr.					
1869. Dec.	1 To balance	\$309 86	1870. Sept.	1 By warrants canceled in Aug	\$3,792 40
1870. July	1 " received in June.....	\$6,574 61	" Nov.	1 " " Oct..	2,850 00
		5,574 61	" "	1 By balance	\$6,642 40
		\$6,884 47			242 07
					\$6,884 47

STATEMENT No. 42.—Pike County Interest Fund.

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.					Cr.
Dr.					
1870. June	1 To received in May.....	\$10,000 00	1870. Sept.	1 By warrants canceled in Aug.	\$13,599 37
“ July	1 “ “ June.....	5,000 00	“ “	“ “ “ “ “ “ “ “	\$13,599 37
“ Nov.	1 “ “ October.....	2,331 53	“ “	1 By balance	8,732 16
		\$17,331 53			
		\$17,331 53			\$17,331 53

STATEMENT No. 43.—Mason County Interest Fund.

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.					Cr.
Dr.					
1870. June	1 To received in May.....	\$2,415 70	1870. Sept.	1 By warrants canceled in Aug.	\$2,181 15
“ Oct.	1 “ “ September....	9,781 59	“ “	“ “ “ “ “ “ “ “	2 00
		\$12,197 29	“ “	1 By balance	\$2,183 15
		\$12,197 29			10,014 14
					\$12,197 29

STATEMENT No. 44.—Wayne County Interest Fund.

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.					Cr.
Dr.					
1870. July	1 To received in June.....	\$11,305 22	1870. Sept.	1 By warrants canceled in Aug.	\$3,487 05
		\$11,305 22	“ “	“ “ “ “ “ “ “ “	\$3,487 05
			“ “	1 By balance	7,818 17
					\$11,305 22

STATEMENT No. 45.—Sangamon County Interest Fund.

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				CR.
Dr.	1870. July 1. To received in June.....	\$1,577 50	1870. Sept. 1. By warrants canceled in Aug	\$1,577 50
		<u>\$1,577 50</u>		
		\$1,577 50	.....	\$1,577 50
				<u>\$1,577 50</u>

STATEMENT No. 46.—Clay County Interest Fund.

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				CR.
Dr.	1870. Aug. 1. To received in July.....	\$1,800 00	1870. Sept. 1. By warrants canceled in Aug.	\$1,797 85
		<u>\$1,800 00</u>	Dec. 1. By balance.....	<u>2 15</u>
		\$1,800 00	.....	\$1,800 00
				<u>\$1,800 00</u>

STATEMENT No. 47.—Jefferson County Interest Fund.

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				CR.
Dr.	1870. Aug. 1. To received in July.....	\$8,000 00	1870. Dec. 1. By balance.....	\$8,000 00
		<u>\$8,000 00</u>	.....	<u>\$8,000 00</u>
		\$8,000 00	.....	\$8,000 00
				<u>\$8,000 00</u>

STATEMENT No. 48.—Winchester Township (Scott County) Interest Fund.

Dr.	ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				Cr.
	1870. Dec. 1.	To received in November....	\$3,000 00	1870. Dec. 1.	By balance.....
			<u>\$3,000 00</u>		<u>\$3,000 00</u>
			\$3,000 00		\$3,000 00

STATEMENT No. 49.—Danville Township (Vernilion County) Interest Fund.

Dr.	ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				Cr.
	1870. Oct. 1.	To received in September....	\$8,207 24	1870. Dec. 1.	By balance.....
			<u>\$8,207 24</u>		<u>\$8,207 24</u>
			\$8,207 24		\$8,207 24

STATEMENT No. 50.—Buda Township (Burau County) Interest Fund.

Dr.	ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				Cr.
	1870. Aug. 1	To received in July.....	\$1,500 00	1870. Sept. 1.	By warrants canceled in Aug
			<u>\$1,500 00</u>		<u>\$1,500 00</u>
			\$1,500 00		\$1,500 00

STATEMENT No. 51 -- *Osage Township (La Salle County) Interest Fund.*

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				CR.
DR.				
1870. July	1 To received in June.....	\$2,000 00	1 By warrants canceled in Aug.	\$2,000 00
" Nov.	1 " " R. R. Int., Oct.	477 60	" " " " Oct.	22 39
" "	1 " " Bond " "	189 35	1 By balance	\$2,022 39
				644 56
		\$2,666 95		\$2,666 95

STATEMENT No. 52. -- *Dayton Township (La Salle County) Interest Fund.*

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				CR.
DR.				
1870. July	1 To received in June.....	\$1,200 00	1 By warrants canceled in Aug.	\$1,200 00
" Nov.	1 " " Bond Int., in Oct.	207 10	" " " " Oct.	14 85
" "	1 " " Surplus Fund in	285 18	1 By balance	\$1,214 85
	Oct.....			477 43
		\$1,692 28		\$1,692 28

STATEMENT No. 53. -- *South Ottawa Township (La Salle County) Interest Fund.*

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				CR.
DR.				
1870. July	1 To received in June.....	\$3,000 00	1 By warrants canceled in Aug.	\$2,930 60
" Nov.	1 " " Bond Int. in Oct	151 27	" " " " Oct.	
" "	1 " " Surplus tax "	30 94	1 By balance	251 61
		\$3,182 21		\$3,182 21

STATEMENT No. 54.—*Ottawa Township (La Salle County) Interest Fund.*

DR.		ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				CR.					
1870.	July	1	To received in June.....	\$15,004 66	1870.	Sept.	1	By warrants canceled in Aug.	\$14,959 23		
"	Nov.	1	" " October	1,056 81	"	"	Dec.	1	By balance	1,102 24	
				<hr/>					<hr/>	\$16,061 47	
										<hr/>	\$16,061 47

STATEMENT No. 55.—*Elmwood Township (Peoria County) Interest Fund.*

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				CR.
DR.				
1870. July 1	To received in June.....	\$6,452 24	1870. Sept. 1	By warrants canceled in Aug. \$6,200 00
			" Dec. 1	By balance 252 24
				\$6,452 24

STATEMENT No. 56—*Brimfield Township (Peoria County) Interest Fund.*

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				CR.
1870. July	1 To received in June.....	\$4,842 55	1870. Sept. 1 By warrants canceled in Aug.	\$4,600 00
		—	“ Dec. 1 By balance	242 55
		\$4,842 55		\$4,842 55

STATEMENT No. 57—*Evans Township (Marshall County) Interest Fund.*

ERASTUS N. BATES, STATE TREASURER, in account with the State of Illinois.				CR.
1870. June	1 To received in May.....	\$4,000 00	1870. Sept. 1 By warrants canceled in Aug.	\$4,042 57
July	1 To received in June.....	254 77	“ Dec. 1 By balance.....	212 20
		—		\$4,254 77
		\$4,254 77		

STATEMENT No. 58—Recapitulation of Treasurer's Accounts.

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Names of Funds.		Balances in the Treasury Dec. 1, 1869.	Am't received from Dec. 1, 1869, to Dec. 1, 1870.	Total.	Names of Funds.		Disbursements from Dec. 1, 1869, to Dec. 1, 1870.	Balances in the Treasury Dec. 1, 1870.	Total.
Revenue Fund.....	\$2,735 83	\$3,630,351 85	\$3,623,090 68	\$3,623,090 68	Revenue Fund.....	\$1,456,031 05	\$2,167,059 63	\$1,456,031 05	\$3,623,090 68
State Debt Fund.....	1,114,153 67	781,873 09	1,896,026 76	1,896,026 76	State Debt Fund.....	1,816,340 40	79,680 36	1,816,340 40	1,896,026 76
Interest Fund.....	235,904 70	412,772 02	648,676 72	648,676 72	Interest Fund.....	321,989 32	926,687 40	321,989 32	648,676 72
School Fund.....	97,737 82	152,542 78	250,280 60	250,280 60	School Fund.....	79,816 81	171,463 79	79,816 81	250,280 60
Illinois Central Railroad Fund.....	296,949 36	469,809 12	706,758 48	706,758 48	Illinois Central Railroad Fund.....	1,000 66	763,757 82	763,757 82	706,758 48
Delinquent Land Tax Fund.....	331 06	.....	331 06	331 06	Delinquent Land Tax Fund.....	.....	331 06	331 06	331 06
Unknown and Minor H'rs Fund.....	5,487 98	49 08	5,537 06	5,537 06	Unknown and Minor H'rs Fund.....	.....	5,537 06	5,537 06	5,537 06
Hancock County Interest Fund.....	1,340 04	9,709 87	11,050 01	11,050 01	Hancock County Interest Fund.....	10,526 37	523 61	523 61	11,050 01
Schuyler County Interest Fund.....	876 13	7,848 92	8,725 05	8,725 05	Schuyler County Interest Fund.....	8,218 60	500 45	500 45	8,725 05
Brown County Interest Fund.....	41 55	12,451 50	12,496 05	12,496 05	Brown County Interest Fund.....	10,653 86	1,842 69	1,842 69	12,496 05
Quincy City Interest Fund.....	6,527 49	53,166 54	58,694 03	58,694 03	Quincy City Interest Fund.....	50,121 82	8,572 21	8,572 21	58,694 03
Mer er County Interest Fund.....	171 01	2,748 42	2,919 43	2,919 43	Mer er County Interest Fund.....	2,732 06	187 37	187 37	2,919 43
Warsaw City Interest Fund.....	405 20	2,902 76	3,307 96	3,307 96	Warsaw City Interest Fund.....	1,878 02	1,429 94	1,429 94	3,307 96
Henderson County Interest Fund.....	309 86	6,574 61	6,884 47	6,884 47	Henderson County Interest Fund.....	6,092 40	6,884 47	6,884 47	6,884 47
Pike County Interest Fund.....	12,197 29	17,231 53	17,231 53	17,231 53	Pike County Interest Fund.....	13,699 87	3,632 16	3,632 16	17,231 53
Mason County Interest Fund.....	11,305 22	11,305 22	11,305 22	11,305 22	Mason County Interest Fund.....	2,183 15	10,014 14	10,014 14	12,197 29
Wayne County Interest Fund.....	1,577 50	1,577 50	1,577 50	1,577 50	Wayne County Interest Fund.....	3,487 05	7,818 17	7,818 17	11,305 22
Sangamon County Interest Fund.....	1,800 00	1,800 00	1,800 00	1,800 00	Sangamon County Interest Fund.....	1,577 50	.....	.....	1,577 50
Clay County Interest Fund.....	8,000 00	8,000 00	8,000 00	8,000 00	Clay County Interest Fund.....	1,797 85	.....	.....	1,800 00
Jefferson County Interest Fund.....	.....	.....	.....	.....	Jefferson County Interest Fund.....	.....	.....	.....	8,000 00
Winchester Township (Scott County) Interest Fund.....	.....	.....	.....	.....	Winchester Township (Scott County) Interest Fund.....	.....	.....	.....	3,000 00
Danville Township (Vermillion County) Interest Fund.....	.....	.....	.....	.....	Danville Township (Vermillion County) Interest Fund.....	.....	.....	.....	8,207 24
Buda Township (Bureau Co.) Int. Fund.....	.....	.....	.....	.....	Buda Township (Bureau Co.) Int. Fund.....	.....	.....	.....	1,500 00
Osage Township (LaSalle Co.) Int. Fund.....	.....	.....	.....	.....	Osage Township (LaSalle Co.) Int. Fund.....	.....	.....	.....	2,666 95
Dayton Township (LaSalle Co.) Int. Fund.....	.....	.....	.....	.....	Dayton Township (LaSalle Co.) Int. Fund.....	.....	.....	.....	1,692 28
South Ottawa Township (LaSalle County) Interest Fund.....	.....	.....	.....	.....	South Ottawa Township (LaSalle County) Interest Fund.....	.....	.....	.....	3,182 21
Ottawa Township (LaSalle Co.) Int. Fund.....	.....	.....	.....	.....	Ottawa Township (LaSalle Co.) Int. Fund.....	.....	.....	.....	16,061 47
Elmwood Township (Peoria Co.) Int. Fund.....	.....	.....	.....	.....	Elmwood Township (Peoria Co.) Int. Fund.....	.....	.....	.....	6,452 24
Brimfield Township (Peoria Co.) Int. Fund.....	.....	.....	.....	.....	Brimfield Township (Peoria Co.) Int. Fund.....	.....	.....	.....	4,842 55
Evans Township (Marshall Co.) Int. Fund.....	.....	.....	.....	.....	Evans Township (Marshall Co.) Int. Fund.....	.....	.....	.....	4,254 77
	\$1,762,974 70	\$5,635,774 91	\$7,498,749 61						

Amount on hand December 1st, 1869, and amount received to December 1st, 1870.

Amount paid out from December 1st, 1869, to December 1st, 1870

Total amount of all funds in Treasury, December 1st, 1870.

\$7,398,749 61

2,895,779 03

\$4,502,970 58

STATEMENT No. 59.

Statement in relation to the State Debt, showing the amount of inscribed stock, and the several classes of coupon bonds, their numbers and amounts, outstanding December 1, 1870.

Kind of stocks, etc.	Amount.
Inscribed stock—New Internal Improvement Stock, payable after 1870	\$1,607,811 20
“ “ “ Interest Bonds, “ 1877	980,696 83
Coupon bonds—Two bonds Internal Improvement Stock, one of Jan 2, 1838, No. 1022, and one of May 1, 1840, No. 86, payable after 1870	2,000 00
Two hundred and seventy-nine bonds refunded stock, payable after 1870— Nos. 1 to 13 inclusive, 16, 21, 22, 28, 39, 41, 42, 43, 44, 46, 47, 49, 55, 60 to 66 inclusive, 68, 69, 71 to 85 inclusive, 87, 89, 90, 91, 93, 94, 97 to 102 inclusive, 109, 110, 113, 115, 119, 122 to 125 inclusive, 127, 128, 132, 139, 140, 143 to 149 inclusive, 154, 157 to 163 inclusive, 167, 175, 176, 180, 181, 182, 183, 185, 186, 188, 190, 191, 192, 196, 197, 202, 205, 206, 207, 216, 219, 220, 221, 222, 229, 230, 231, 232, 243, 244, 245, 246, 248, 249, 250, 251, 255, 260, 261, 262, 264, 265, 271, 273, 274, 275, 281, 287, 294, 296, 297, 302 to 312 inclusive, 318, 319, 320, 321, 322, 328, 329, 330, 331, 332, 333, 339 to 351 inclusive, 353, 354, 355, 356, 357, 363, 364, 366, 367, 369, 370, 371, 372, 373, 381, 382, 397, 398, 403 to 410 inclusive, 412, 417, 418, 419, 420, 421, 422, 423, 424, 426, 477, 478, 479, 480, 484 to 493 inclusive, 499, 500, 501, 502, 504, 505, 506, 511, 512, 522 to 530 inclusive, 545, 547, 548, 549, 550, 551, 554, 555, 556, 557, 564, 565, 566, 569 to 582 inclusive, 586, 587, 588, 589, 590, 591	279,000 00
Sixty bonds Refunded Stock, payable after 1876—Nos 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 24, 25, 28, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 53, 62, 63, 69, 70, 71, 72, 73, 74, 76, 77, 78, 80, 81, 82, 86, 88, 89, 90, 91, 92, 94, 95, 99, 101, 102, 104, 105	60,000 00
Two hundred and eighty-eight bonds Refunded Stock, payable after 1877— Nos. 1, 9, 10, 16, 18, 28, 29, 30, 31, 34, 38, 39, 40, 43, 48, 50, 51, 52, 54, 55, 56, 58, 61, 62, 63, 64, 72, 73, 75, 79, 80, 85, 88, 90, 91, 92, 93, 95, 97, 98, 101, 102, 106, 108, 112, 113, 115, 116, 117, 118, 119, 127, 134, 135, 136, 137, 138, 149, 152, 154, 156 to 161 inclusive, 163, 165 to 176 inclusive, 178, 181, 182, 185, 200, 201, 202, 203, 214, 215, 217, 219 to 230, inclusive, 239 to 247 inclusive, 251 to 259 inclusive, 262, 263, 264, 266, 268, 270, 271, 272, 273, 275, 277, 278, 279, 284 to 288 inclusive, 290, 292, 294, 296, 297, 298, 299, 308, 309, 312, 313, 314, 315, 317, 323 to 328 inclusive, 335, 336, 337, 339, 340, 343 to 348 inclusive, 350, 355, 363 to 368 inclusive, 373, 374, 375, 377, 382 to 387 inclusive, 389 to 411 inclusive, 432 to 436 inclusive, 466, 467, 468, 476 to 491 inclusive, 494 to 521 inclusive, 524 to 529 inclusive, 536 to 542 inclusive, 557 to 567 inclusive, 577, 578	288,000 00
Forty-five Normal University bonds, payable after 1879—Nos. 7 to 20 inclusive, 22 to 26 inclusive, 30 to 37 inclusive, 39 to 43 inclusive, 50, 51, 53 to 63 inclusive	45,000 00
One hundred and three Thornton Loan Bonds, payable after 1879—Nos. 5, 6, 8, 9, 10, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 28, 30, 31, 32, 33, 38, 41, 42, 44, 45, 46, 47, 50, 51, 52, 53, 58, 64, 65, 66, 67, 68, 70 to 78 inclusive, 87, 89, 92, 94, 95, 96, 97, 98, 102, 103, 104, 106, 108, 114, 119, 120, 123 to 128 inclusive, 130, 131, 132, 133, 135, 137, 139, 140, 141, 143, 144, 148, 149, 151, 152, 154, 155, 156, 157, 158, 160 to 164 inclusive, 166, 168, 171 to 177 inclusive	103,000 00
Two hundred and twenty-two \$1000 War Bonds, payable after 1879—Nos 9, 10, 14, 15, 25 to 56 inclusive, 64, 77, 82 to 88 inclusive, 90, 91, 101, 102, 106, 115, 116, 117, 120, 130, 131, 135, 141, 173 to 178 inclusive, 180, 184, 198, 207 to 219 inclusive, 223, 224, 225, 252, 282, 291, 292, 293, 307, 308, 310, 311, 320 to 328 inclusive, 330 to 334 inclusive, 337, 338, 339, 343, 344, 347, 427, 447, 448, 450, 451, 464 to 473 inclusive, 484 to 493 inclusive, 498, 499, 573, 575, 586, 587, 588, 611, 619 to 623 inclusive, 632, 642, 655, 658, 659, 662, 663, 664, 669, 707, 709 to 714 inclusive, 728, 729, 730, 748, 749, 750, 811, 836, 841, 842, 845, 846, 853, 854	

Statement—Continued.

Kind of stocks, etc.	Amount.
855, 859, 862, 885, 887, 895, 896, 909, 917, 919, 926, 932, 936, 949, 959, 953, 954, 961 to 971 inclusive, 985 to 990 inclusive, 992, 993, 994, 995, 1027, 1028, 1029, 1039.	\$222,000 00
Two hundred and fifty-five \$500 War Bonds, payable after 1879—Nos. 13 to 23 inclusive, 30 to 36 inclusive, 38, 40, 41, 46, 54, 55, 65, 66, 72, 82, 83, 84, 106, 241 to 248 inclusive, 256 to 270 inclusive, 287, 288, 309, 311, 312, 314, 318, 320, 321, 325, 332, 243, 345, 347, 348, 349, 350, 371, 372, 373, 374, 387, 391, 397, 398, 399, 401, 406, 408, 417 to 424 inclusive, 426, 427, 428, 438, 469, 473, 474, 488, 489, 490, 491, 500, 501, 503, 504, 505, 506, 510, 517 to 521 inclusive, 525 to 529 inclusive, 585 to 589 inclusive, 591, 596, 631, 633 to 676 inclusive, 680, 689, 694, 700, 701, 703 to 708 inclusive, 723, 732, 733, 741, 743, 745, 746, 766, 767, 768, 769, 771, 772, 778, 779, 782, 784 to 788 inclusive, 794, 795, 796, 803, 806, 807, 808, 811 to 815 inclusive, 817, 820, 821, 822, 824, 825, 826, 841, 842, 844, 847, 849, 851, 858, 863 to 870 inclusive, 872, 875, 876, 877, 884, 885, 886, 887, 916, 917, 940, 946 to 952 inclusive.	127,500 00
Six hundred and seventy-three War Bonds, payable after 1879—Nos. 26, 27, 34, 35, 36, 45, 46, 47, 48, 50, 51, 55, 59, 81, 143, 171, 172, 173, 183—189, 191—195, 199, 209, 279—286, 288, 325, 330, 336—345, 350, 353, 364, 365, 396, 397, 404, 407, 409, 492, 493, 494, 547, 550, 651, 652, 654, 655, 656, 665, 668, 669, 670, 711—716, 718, 743, 745, 746, 747, 748, 753, 809—813, 976, 979, 980, 981, 982, 997—1006, 1019, 1020, 1087, 1105, 1106—1122, 1140—1144, 1169—1173, 1305—1313, 1323, 1324, 1330, 1395—1399, 1401—1410, 1461—1471, 1492—1498, 1531, 1532, 1533, 1562, 1567, 1568, 1570, 1586, 1587, 1595—1604, 1627—1631, 1639, 1729, 1846—1861, 1867—1871, 1878, 1879, 1881, 1898—1904, 1909, 1917—1930, 1937, 1942, 2015—2019, 2025—2029, 2072, 2073, 2104—2125, 2148, 2149, 2155—2159, 2161, 2162, 2163, 2164, 2193—2199, 2239, 2240, 2311, 2435—2442, 2444, 2518, 2519, 2586, 2590, 2602, 2609, 2618, 2712, 2713, 2714, 2716, 2718, 2722, 2731—2735, 2782, 2788, 2962, 2963, 2964, 3046—3087, 3164—3168, 3248, 3249, 3250, 3251, 3252, 3313, 3314, 3315, 3323—3332, 3354, 3395—3399, 3422, 3448, 3484, 3496—3506, 3519—3538, 3578, 3582, 3679, 3680, 3692, 3757, 3766—3770, 3775, 3782—3791, 3901, 3902, 4075, 4086, 4203—4252, 4282—4296, 4308—4315, 4322—4334, 4341—4345, 4352, 4411, 4414, 4415, 4416, 4417, 4418, 4531—4560, 4626, 4631—4640, 4708, 4709, 4710, 4736, 4761—4796, 4966, 4967, 4970, 4972, 4977.	67,300 00
Nineteen \$1000 Canal Bonds, July 1, 1841, payable after 1870—Nos. 8, 10, 19, 26, 33, 34, 42, 55, 66, 74, 103, 107, 115, 123, 128, 129, 190, 199, 200.	19,000 00
Twenty-four same class of bonds, registered—Nos. 41, 47, 49, 50, 54, 84, 85, 89—94, 118, 133—137, 191, 192, 193, 195, 196.	4,800 00
Twenty-five £225 Canal Bonds, payable in New York, 1870—Nos. 1005, 1007, 1008, 1011, 1025, 1036, 1037, 1039, 1040, 1041, 1043, 1056, 1065, 1066, 1067, 1068, 1073, 1074, 1078, 1087, 1093, 1097, 1098, 1099, 1100.	25,000 00
Twenty same class of bonds, registered—Nos. 1004, 1010, 1012, 1015, 1018, 1023, 1027, 1031, 1033, 1034, 1044, 1046, 1051, 1060, 1071, 1079, 1083, 1088, 1090, 1091.	4,000 00
Twenty-nine £100 Canal Bonds, payable in London after 1879—Nos. 3—7, 10—13, 27, 33—39, 45—52, 74.	12,888 88
Four hundred and eight same class of bonds, registered—Nos. 1, 2, 8, 9, 28—32, 40, 41, 53—73, 57—450.	26,266 66
Forty-three £300 Canal Bonds, payable in London, 1870—Nos. 81, 85—91, 145—151, 170—186, 212—216, 536—541.	57,333 33
Five hundred and forty-nine same class of bonds, registered—Nos. 6—77, 79, 80, 82, 83, 84, 92—144, 152—169, 187—211, 217—533, 542—600.	146,400 00
Six hundred and ninety-seven £225 Canal Bonds, payable in London, 1870—Nos. 79—140, 142—152, 155—180, 182, 183, 184, 190—248, 668—883, 885—1008, 1014—1039, 1042—1052, 1059, 1060, 1062, 1064, 1065, 1066, 1068—1077, 1079—1089, 1104—1113, 1126—1137, 1146—1153, 1167, 1169, 1171—1173, 1201—1285, 1295—1306.	697,000 00

Statement—Continued.

Kind of stocks, etc.	Amount.
Five hundred and eighteen same class of bonds, registered—Nos. 1,-78, 141, 185-189, 249-306, 308-667, 1010-1013, 1018, 1070, 1172, 1286-1294.....	\$103,600 00
State Bonds called in by Governor's proclamation, not yet surrendered:	
Proclamation Nov. 15, 1863.—1 bond Refunded Stock, 1860, No. 28, 4½ months interest to be allowed, \$22 50	}
Proclamation Feb. 15, 1868.—10 Canal bonds, 1860, dated July 1, 1837, No. 591, 592, 871-878, 1½ month's interest, \$7 50.....	
Proclamation Feb. 15, 1868.—2 Canal Bonds, 1860, dated July 1, 1847, No. 724, 890, 1½ month's interest, \$7 50.....	
Proclamation Jan. 4, 1869.—2 bonds Interest Stock, No. 2599, \$1,000; No. 2600, \$1,136; interest 4 days, \$1 42.....	
	15,136 00
	\$4,890,937 30

STATEMENT No. 60.

Statement of the Amounts and kinds of Stock deposited with the Treasurer by Life Insurance Companies, for the benefit of their Policy Holders.

Name of Companies.	Kinds of Stock.		
The International Life Insurance Co.	Notes and Mortgages....	\$100,133 00	\$100,133 00
The Great Western Life Insurance Co.	“ “	100,500 00	100,500 00
The Mutual Life Insurance Co.....	“ “	96,100 00	} 121,100 00
“ “ “ “	United States Bonds....	25,000 00	
The Safety Deposit Life Insurance Co.	Deeds of Trust.....	100,000 00	100,000 00
The Republic Life Insurance Co	Notes and Mortgages....	100,000 00	100,000 00
The Lincoln Life Insurance Co.	Certificate of Stock....	100,000 00	100,000 00
The National Life Insurance Co.....	Deeds of Trust.....	97,708 33	} 101,208 33
“ “ “ “	United States Bonds....	3,500 00	
The Teutonic Life Insurance Co	Notes and Mortgages....	101,264 00	101,264 00
The Chicago Life Insurance Co.	“ “	90,510 00	} 101,510 00
“ “ “ “	United States Bonds	11,000 00	
			\$925,715 33





